

# Exhibit 1

**COPY**

**In The Matter Of:**  
*UNITED STATES DEPT OF JUSTICE - ATF v.*  
*UNCLE SAM'S LOANS, INC.*

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*ADMINISTRATIVE HEARING*  
*September 13, 2016*

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*Missy L. Young, C.C.R.*  
*Post Office Box 13622*  
*Sissonville, WV 25360*

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UNITED STATES GOVERNMENT,  Plaintiff,	
V.	FFL#4-55-045-SE-5E-08677
UNCLE SAM'S LOANS, INC.  Licensee.	
Transcript of an Administrative Hearing held in the above-styled case on September 13, 2016, before Claude Maraist, Hearing Examiner, at the Charleston Field Office, Kanawha County, Charleston, West Virginia.	
A P P E A R A N C E S :	
The Government, by it s counsel MARK LOWNEY, Attorney at Law;	
The Defendants, by their counsel, JAMES M. CAGLE, Attorney at Law, 1200 Boulevard Tower, 1018 Kanawha Boulevard, Charleston, West Virginia 25301.	
MISSY L. YOUNG, C.C.R. Post Office Box 13622 Sissonville, West Virginia 25360 304-539-6192	

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1	BE IT REMEMBERED that the following
2	proceedings were held in a closed hearing on September 13,
3	2016 to-wit:
4	HEARING EXAMINER: This is a hearing being
5	conducted under the provisions of Section 923(F)(2) Title
6	18 United States Code and Section 478.74, Title 27, Code of
7	Federal Regulations. The time is approximately 10:58 a.m.
8	The date is September the 13th, 2016. An audio recording
9	is being made of these proceedings for the record. This
10	place is Suite 1400, 300 Summers Street -- what is the
11	name of this building, BB&T?
12	MR. CAGLE: BB&T.
13	HEARING EXAMINER: -- the BB & T Building.
14	We're in the City of Charleston. What county is this?
15	MR. CAGLE: Kanawha, K-a-n-a-w-h-a.
16	HEARING EXAMINER: K-a-n-a --
17	MR. CAGLE: -- w-h-a.
18	HEARING EXAMINER: -- w-h-a, Kanawha.
19	MR. CAGLE: Yes.
20	HEARING EXAMINER: -- West Virginia, Zip
21	Code 25301. At this time, I will ask the Licensee and
22	those present on his behalf to state and spell their last
23	name, give me the title and relationship to the hearing for
24	the Licensee?
MISSY L. YOUNG, C.C.R. 304-539-6192	

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1 MR. MUNCY: Roger Muncy.  
2 HEARING EXAMINER: R-o-g-e-r?  
3 MR. MUNCY: Uh-huh.  
4 HEARING EXAMINER: M-u-n-c-y?  
5 MR. MUNCY: M-u-n-c-y.  
6 HEARING EXAMINER: Your title, sir? Are  
7 you the president?  
8 MR. CAGLE: No, he's the former owner.  
9 MR. MUNCY: Former.  
10 HEARING EXAMINER: Okay.  
11 MR. MUNCY: Former owner; my wife is owner  
12 now. I'm disabled.  
13 HEARING EXAMINER: Okay. So you're -- you  
14 don't have an office in the corporation?  
15 MR. MUNCY: I really don't have nothing.  
16 I've got some -- no, I don't have any stock or anything.  
17 HEARING EXAMINER: Okay. Who is here as an  
18 officer of the corporation?  
19 MR. CAGLE: Louise.  
20 MS. MUNCY: Louise Muncy.  
21 HEARING EXAMINER: And your title, ma'am?  
22 MS. MUNCY: I didn't hear you.  
23 HEARING EXAMINER: Your title?  
24 MS. MUNCY: I'm the owner and president.

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1 HEARING EXAMINER: Okay. Mr. Cagle, your  
2 first name is James?  
3 MR. CAGLE: James, yes.  
4 HEARING EXAMINER: And you are here  
5 representing the Licensee as counsel of record?  
6 MR. CAGLE: Uncle Sam's, yes, sir.  
7 HEARING EXAMINER: Now, is everyone in this  
8 room going to testify?  
9 MR. CAGLE: It's possible. It's certainly  
10 possible. Dave, you want -- you want the names now?  
11 HEARING EXAMINER: Yeah, and when you give  
12 your name and title and relationship to the licensee,  
13 please make sure you say it loudly and distinctly because  
14 I'm going to try to write these down.  
15 MR. WALLS: My name is David Walls. I'm the  
16 chief of police for the Town of Man Police Department.  
17 HEARING EXAMINER: Okay. Spell that for me.  
18 MR. WALLS: D-a-v-i-d, W-a-l-l-s.  
19 HEARING EXAMINER: Actually, you're  
20 spelling that -- you're saying this for the record. Okay.  
21 And you are the --  
22 MR. WALLS: Chief of police.  
23 HEARING EXAMINER: For the City of  
24 Charleston?

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1 MR. WALLS: The Town of Man.  
2 MR. CAGLE: M-a-n.  
3 HEARING EXAMINER: Oh, Town of Man. Okay,  
4 yes, sir. Okay. The next one.  
5 MR. ADKINS: Josh Adkins.  
6 HEARING EXAMINER: You're going to have to  
7 say that louder.  
8 MR. ADKINS: Josh Adkins.  
9 HEARING EXAMINER: And spell it for me.  
10 MR. ADKINS: J-o-s-h, A-d-k-i-n-s.  
11 HEARING EXAMINER: Okay. And you are?  
12 MR. ADKINS: Patrol officer.  
13 HEARING EXAMINER: Are you here as a  
14 witness?  
15 MR. WALLS: He's just here to observe.  
16 HEARING EXAMINER: Okay. But you're here  
17 as a witness?  
18 MR. WALLS: Yes, sir.  
19 HEARING EXAMINER: Okay. The next --  
20 MR. CAGLE: You want to start here?  
21 MR. ALLEN: It's Eric Allen. E-r-i-c, A-l-  
22 l-e-n.  
23 HEARING EXAMINER: I'm sorry, I didn't hear  
24 that.

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1 MR. ALLEN: Eric Allen.  
2 HEARING EXAMINER: E-r-i-c, A-l-l-e-n?  
3 MR. ALLEN: Yes, sir.  
4 HEARING EXAMINER: Okay. You're a witness  
5 or you're an employee?  
6 MR. ALLEN: I'm an employee, yeah.  
7 HEARING EXAMINER: And you're going to be a  
8 witness?  
9 MR. ALLEN: Yes, sir.  
10 HEARING EXAMINER: Okay.  
11 MR. GILLESPIE: Phillip Gillespie.  
12 HEARING EXAMINER: Spell it?  
13 MR. GILLESPIE: P-h-i-l-l-i-p, G-i-l-l-e-s-  
14 p-i-e.  
15 HEARING EXAMINER: Employee?  
16 MR. GILLESPIE: Employee.  
17 HEARING EXAMINER: And witness?  
18 MR. GILLESPIE: Yes.  
19 MR. NOEL: Shane Noel.  
20 HEARING EXAMINER: S-h-a-n-e --  
21 MR. NOEL: S-h-a-n-e, N-o-e-l.  
22 HEARING EXAMINER: Employee?  
23 MR. NOEL: No.  
24 HEARING EXAMINER: No? What is you



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1 relationship to the licensee?  
2 MR. NOEL: Just a friend.  
3 MR. CAGLE: Actually, he's listed in some  
4 of the documents which were submitted on behalf of the ATF  
5 as a --  
6 HEARING EXAMINER: Okay.  
7 MR. CAGLE: -- as a basis of their actions.  
8 HEARING EXAMINER: I saw that -- I think I  
9 saw his name on the notice.  
10 MR. CAGLE: You would have seen his name,  
11 yes.  
12 HEARING EXAMINER: Okay. So you're here as  
13 a witness as well?  
14 MR. NOEL: Yes, sir.  
15 MR. WEST: Brian West, B-r-i-a-n, W-e-s-t.  
16 HEARING EXAMINER: B-r-i-a-n?  
17 MR. WEST: Yes, sir.  
18 HEARING EXAMINER: William?  
19 MR. WEST: W-e-s-t.  
20 HEARING EXAMINER: Okay.  
21 MR. WEST: A witness.  
22 HEARING EXAMINER: Okay, for the Government.  
23 Government counsel?  
24 MR. LOWNEY: It's Mark, M-a-r-k, Lowney, L-

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1 o-w-n-e-y. I'm the division counsel for the Louisville  
2 field division, which covers this area.  
3 MR. CUNNINGHAM: Senior Special Agent Rob  
4 Cunningham, C-u-n-n-i--g-h-a-m.  
5 HEARING EXAMINER: R-o-s-s? Is that --  
6 MR. CUNNINGHAM: Rob, R-o-b.  
7 HEARING EXAMINER: Okay.  
8 MR. CUNNINGHAM: Romeo, Oscar, Bravo.  
9 HEARING EXAMINER: I can't see it, yeah. I  
10 can't see your name tag. Okay. Rob Cunningham, and you're  
11 a senior special agent. Okay.  
12 MR. CUNNINGHAM: With ATF.  
13 HEARING EXAMINER: You're a Government  
14 witness?  
15 MR. CUNNINGHAM: With AFT, yes.  
16 HEARING EXAMINER: Okay. Mr. Adam Rogers is  
17 the director of industry operations for the Louisville  
18 field division, of which the Charleston field office is  
19 under his supervision and Mr. Rogers is here -- DIO Rogers  
20 is here only as an observer and it would not be appropriate  
21 to ask questions of him or ask him to make any spot  
22 decisions here. He's simply here as an observer to get a  
23 sense of how the hearing goes and to prepare himself to  
24 make a final decision after we leave here.

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1 My name is Claude Maraist and I'm the  
2 hearing officer. I'm acting as hearing officer by the  
3 direction and under the authority of the chief of the  
4 investigative support branch, Bureau of Alcohol, Tobacco,  
5 Firearms and Explosives, United States Department of  
6 Justice. This hearing is an administrative proceeding.  
7 The hearing is to review the Notice to Revoke and Suspend  
8 or Suspend License and/or Impose a Civil Fine, ATF 14500,  
9 issued under the provisions of Section 923, Title 18,  
10 United States Code.  
11 At this time, I'd like to enter into the  
12 record as evidence Exhibit HX-1, which is evidence of my  
13 authority to be here and conduct this hearing.  
14 (WHEREUPON, the document referred to  
15 was marked for identification as  
16 Hearing Examiner Exhibit No. 1.)  
17 HEARING EXAMINER: If there are no  
18 objections from the Government or from either party for  
19 that matter, I'll enter this into the record as evidence.  
20 MR. LOWNEY: No objection.  
21 MR. CAGLE: No objection.  
22 HEARING EXAMINER: Okay. Hearing Officer Exhibit  
23 1, consisting of a one-page photocopy of a letter to Claude  
24 Maraist from Charles R. Bartlett dated July 14, 2016, is

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1 hereby entered into the record as evidence.  
2 (WHEREUPON, having been previously  
3 marked for identification, Hearing  
4 Officer Exhibit No. 1 is received  
5 into evidence.)  
6 HEARING EXAMINER: The license was issued  
7 to Uncle Sam's Loans, Inc.; is that correct?  
8 MR. CAGLE: That's correct, yes, sir.  
9 HEARING EXAMINER: Not doing business under  
10 any trade name that I'm aware of?  
11 MR. CAGLE: Not doing business -- Roger, in  
12 particular, doesn't hear well.  
13 HEARING EXAMINER: Okay.  
14 MR. CAGLE: He's had a stroke. Any way,  
15 the -- you're not operating under any other trade names  
16 are you?  
17 MS. MUNCY: No.  
18 MR. CAGLE: Okay.  
19 HEARING EXAMINER: Okay. The address is  
20 200 Main Street, Man, West Virginia, 25735. The license  
21 was issued as a dealer, including pawn brokering firearms  
22 other than destructive devices?  
23 MS. MUNCY: Yes.  
24 HEARING EXAMINER: The license number, for

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<p>1 the record, is 4-55-045-02-5E-08677; is that correct?</p> <p>2 MR. LOWNEY: Yeah, that's it.</p> <p>3 HEARING EXAMINER: And Mrs. Muncy, you are</p> <p>4 president of the company?</p> <p>5 MS. MUNCY: Yes.</p> <p>6 HEARING EXAMINER: As a result of the</p> <p>7 receipt of ATF Form 4500, Mr. James M. Cagle, on behalf of</p> <p>8 the Licensee, requested in writing that a hearing be</p> <p>9 granted. Does the Government stipulate that the request</p> <p>10 for hearing was filed timely?</p> <p>11 MR. LOWNEY: Yes.</p> <p>12 HEARING EXAMINER: At this time, Mr. Lowney</p> <p>13 -- am I pronouncing that correctly? Lowney, Lowney?</p> <p>14 MR. LOWNEY: Lowney.</p> <p>15 HEARING EXAMINER: Lowney? Would you care</p> <p>16 to present the Government's case and review the</p> <p>17 circumstances or investigative findings which have a</p> <p>18 bearing on these proceedings?</p> <p>19 MR. LOWNEY: Yes. I previously mailed Mr.</p> <p>20 Cagle a copy of Government exhibits and, obviously, a</p> <p>21 couple of changes that have been made in the last few days.</p> <p>22 MR. CAGLE: Okay.</p> <p>23 MR. LOWNEY: The Exhibit 8 that I sent you,</p> <p>24 I am not going to use. It's going to be replaced with</p>		<p>1 HEARING EXAMINER: These are all of your --</p> <p>2 MR. LOWNEY: These are all the Government's</p> <p>3 exhibits.</p> <p>4 HEARING EXAMINER: I'd rather not do it that</p> <p>5 way; that's a little bit too much. Do you have any other</p> <p>6 introductory exhibits besides --</p> <p>7 MR. LOWNEY: The introductory exhibits would</p> <p>8 be the Notice of Revocation, would be -- No. 2, would be</p> <p>9 Mr. Cagle's Request for Hearing and No. 3 would just be the</p> <p>10 Notice to Licensee and Counsel of the Date, Time and Place</p> <p>11 of Hearing.</p> <p>12 (WHEREUPON, the documents referred to</p> <p>13 were marked for identification as</p> <p>14 Government Exhibit Nos. 1, 2 and 3.)</p> <p>15 HEARING EXAMINER: All right. Government</p> <p>16 Exhibits 1 through 3 as described by Government Attorney</p> <p>17 Lowney are hereby accepted for entry into the record as</p> <p>18 evidence if there are no objections from the Licensee?</p> <p>19 MR. CAGLE: Not to those exhibits.</p> <p>20 (WHEREUPON, having been previously</p> <p>21 marked for identification, Government</p> <p>22 Exhibit Nos. 1, 2 and 3 are received</p> <p>23 into evidence.)</p> <p>24 HEARING EXAMINER: Proceed. For the --</p>	
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<p>1 this, which are 4473, reflecting transfers to Mr. Ellis.</p> <p>2 The 8 that I sent you was transferred to Ms. Vest, which</p> <p>3 I'm not going to use in the proceeding. And the transfers</p> <p>4 to Mr. Ellis were included in the notice.</p> <p>5 MR. CAGLE: Oh, okay. Yeah, I -- all</p> <p>6 right.</p> <p>7 MR. LOWNEY: Then the last one was just --</p> <p>8 these are just some case cites and a copy of a case which</p> <p>9 relates to the responsibility of licensed dealers for the</p> <p>10 actions of their employees.</p> <p>11 MR. CAGLE: Okay.</p> <p>12 MR. LOWNEY: So, those are just your copies.</p> <p>13 But -- and as far as Government exhibits for the Hearing</p> <p>14 Officer, I'll offer Exhibit 1, which is the Notice of</p> <p>15 Revocation that was issued to the Licensee, and Exhibit 2</p> <p>16 which is Mr. Cagle's --</p> <p>17 HEARING EXAMINER: You're going to enter</p> <p>18 these one at a time or do you want me to accept them en</p> <p>19 masse?</p> <p>20 MR. LOWNEY: Yeah, if -- yeah, I can</p> <p>21 introduce them all en masse and then, subject to any</p> <p>22 objections Mr. Cagle has to any of them, then we'll just</p> <p>23 refer to them as we go. That may be the quickest way to</p> <p>24 work through it.</p>		<p>1 just go ahead and do your entries one at a time on that. I</p> <p>2 thought -- what I was asking for was the introduction.</p> <p>3 Okay?</p> <p>4 MR. LOWNEY: Okay, sure.</p> <p>5 HEARING EXAMINER: All right.</p> <p>6 MR. LOWNEY: Senior Special Agent Cunningham</p> <p>7 is a Government witness and we'll start with him and</p> <p>8 through him, virtually all of the exhibits will be entered.</p> <p>9 RO B C U N N I N G H A M,</p> <p>10 having been called to tell the truth, testified as</p> <p>11 follows:</p> <p>12 DIRECT EXAMINATION</p> <p>13 BY MR. LOWNEY:</p> <p>14 Q Agent Cunningham, can you just briefly</p> <p>15 describe your background and experience as an AFT agent?</p> <p>16 A I'm -- I've been an ATF agent for a little</p> <p>17 more than 15 years. I've been assigned to Charleston, West</p> <p>18 Virginia and then also, I'm currently assigned to Ashland,</p> <p>19 Kentucky. Prior to being employed with ATF, I was a West</p> <p>20 Virginia State Trooper for 9 years.</p> <p>21 Q Uh-huh.</p> <p>22 A Prior to that, I was in college.</p> <p>23 Q So you had occasion to open a criminal</p> <p>24 investigation into activities that were going on at the</p>	

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<p>1 Licensee's business premise. Can you just give a little</p> <p>2 bit of background of how that came about and, you know,</p> <p>3 what took place?</p> <p>4 A Prior to my getting involved in this</p> <p>5 particular investigation, I was aware of the investigation</p> <p>6 involving the State Police Bureau of Criminal Investigation</p> <p>7 along with the FBI. They were working a case that involved</p> <p>8 a kick-back scheme where people were paying to be able to</p> <p>9 work at places. And in talking to the investigators there,</p> <p>10 I learned that there was a lot of guns being transferred in</p> <p>11 this scheme.</p> <p>12 So I was aware of that and then when I</p> <p>13 opened my investigation, I had received a telephone call</p> <p>14 from a lady by the name of Christy Vest and she called out</p> <p>15 of the blue and said that she had - - she'd learned that</p> <p>16 she had some guns listed in her name at Uncle Sam's and she</p> <p>17 wanted to know how to get them out of her name.</p> <p>18 I didn't really understand what she was</p> <p>19 saying and she - - finally, she told me that one of the</p> <p>20 employees at Uncle Sam's told her that there's five or six</p> <p>21 guns in their records that she - - that shows up in their A</p> <p>22 &amp; D book that Christy Vest bought. Christ Vest told me, "I</p> <p>23 didn't buy any guns."</p> <p>24 So I, in turn, followed up on that. I went</p>		<p>1 goes by "Noodle," as his nickname.</p> <p>2 MR. LOWNEY (resuming):</p> <p>3 Q So just to briefly back, you mentioned this</p> <p>4 - - when this originally came about, it was initially</p> <p>5 related to an investigation concerning cashing of checks</p> <p>6 for kick-backs. Can you describe what was going on with</p> <p>7 that?</p> <p>8 A Vendors that worked at these different coal</p> <p>9 mines had to pay money to be able to get employed to work</p> <p>10 at the coal mines and these vendors had to come up with a</p> <p>11 cash flow to be able to secure jobs for their company. So</p> <p>12 what they would do - - what the ones, the people that I've</p> <p>13 interviewed, said they would go to Uncle Sam's Loans, write</p> <p>14 a check, get the amount of the check back less 10 percent</p> <p>15 or also sometimes less 10 percent plus sales tax.</p> <p>16 And we're talking thousands of dollars.</p> <p>17 Like, they'd write a \$15,000 check and get 10 percent less</p> <p>18 back. Then they'd take that cash and pay the people at the</p> <p>19 coal mines to be able to get contracts to work - - work for</p> <p>20 the coal company.</p> <p>21 Q And, eventually, what you're saying is</p> <p>22 firearm transactions became a part of that?</p> <p>23 A It - - that and it evolved. But the</p> <p>24 earliest that I was able to track down was around 2003,</p>	
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<p>1 and got - - went to the Licensee, got the information from</p> <p>2 the A &amp; D book and the invest - - then I went back to</p> <p>3 Christy and showed her copies of the 4473s. And, you know,</p> <p>4 she ultimately told me that, yes, she filled those forms</p> <p>5 out but she did not get the guns.</p> <p>6 She was asked to fill them out by one of</p> <p>7 the employees. She was asked - - one of the employees of</p> <p>8 Uncle Sam's asked her to fill out the 4473s. She did not</p> <p>9 get the guns; she received compensation in return for</p> <p>10 filling out the forms.</p> <p>11 Q And who was the employee that was involved?</p> <p>12 A Stephen Adkins.</p> <p>13 Q And what was his relationship to the</p> <p>14 business?</p> <p>15 A At that time, he was just an employee. He</p> <p>16 ultimately became a part owner, but during the time of this</p> <p>17 activity, he was an employee working in the gun section.</p> <p>18 HEARING EXAMINER: Clarification: a part</p> <p>19 owner of the business?</p> <p>20 THE WITNESS: Ultimately, he became a</p> <p>21 shareholder and listed on the FFL License as an owner - -</p> <p>22 or a licensee and an owner of Uncle Sam's Loans.</p> <p>23 HEARING EXAMINER: And his name is Steve --</p> <p>24 THE WITNESS: Steven Lamar Adkins. He also</p>		<p>1 2004 is when it was - - it started to be transactions</p> <p>2 involving firearms and then these firearms were being taken</p> <p>3 and provided to people at the coal mines in addition to</p> <p>4 money to be able to secure jobs.</p> <p>5 Q And Uncle Sam's relationship to this was,</p> <p>6 in essence, cashing these checks, giving the cash back in</p> <p>7 exchange for the checks and then making money off that</p> <p>8 interest and sales tax?</p> <p>9 A That and then it evolved into selling guns.</p> <p>10 Q Okay. So I'll refer you to an individual</p> <p>11 named Scott Ellis, and you interviewed Mr. Ellis?</p> <p>12 A I have.</p> <p>13 Q I'll refer you to Government Exhibit 10,</p> <p>14 which documents there were two interviews with Mr. Ellis.</p> <p>15 Can you indicate what Mr. Ellis told you, both with regards</p> <p>16 to what his role with this was and, specifically, what was</p> <p>17 going on with his - - the firearms transactions involving</p> <p>18 Mr. Ellis?</p> <p>19 (WHEREUPON, the document referred to</p> <p>20 was marked for identification as</p> <p>21 Government Exhibit No. 10.)</p> <p>22 A I became - - I got introduced to Mr. Ellis</p> <p>23 as a result of - - he pled guilty to one of these kick-back</p> <p>24 schemes. He pled guilty and was cooperating with the</p>	

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<p>1 Government and one of the investigators who worked his</p> <p>2 case, took me and introduced me to Mr. Ellis. I</p> <p>3 interviewed him a couple different times.</p> <p>4 He explained the kick-back scheme, how it</p> <p>5 worked. How he -- you know, how he was originally writing</p> <p>6 checks to himself and he got nervous because he was having</p> <p>7 so many large business checks written to him in his name,</p> <p>8 that he solicited Mr. Muncy to allow him to start cashing</p> <p>9 checks at Uncle Sam's. He -- they struck a deal where it</p> <p>10 was -- Mr. Muncy would charge him 10 percent for each</p> <p>11 check. So this went on. Louise Muncy, when she would</p> <p>12 charge -- when she would cash these checks, she would</p> <p>13 charge the 10 percent plus the 6 percent sales tax. So he</p> <p>14 said he didn't really like dealing with Louise, but</p> <p>15 sometimes he had to.</p> <p>16 And as the scheme continued, Mr. Muncy</p> <p>17 became ill. He had some health problems and Mr. Ellis</p> <p>18 transitioned straight from dealing with Roger Muncy, for</p> <p>19 the most part, to dealing with Steven Adkins, who was an</p> <p>20 employee there. He continued the check-cashing scheme, but</p> <p>21 then he began purchasing firearms as I described earlier,</p> <p>22 purchasing firearms and taking them to different people at</p> <p>23 the coal mines as -- as an enticement to get more work.</p> <p>24 That evolved into Mr. Ellis, when he would</p>		<p>1 personal knowledge about what he's talking about and</p> <p>2 everything in there is objectionable as hearsay.</p> <p>3 HEARING EXAMINER: Okay. So I take it that</p> <p>4 you're objecting to the entry of this?</p> <p>5 MR. CAGLE: Yes, Your Honor. And I don't -</p> <p>6 - I don't want to over state that, but you know, I'm not</p> <p>7 going to waive that --</p> <p>8 HEARING EXAMINER: Okay.</p> <p>9 MR. CAGLE: Even if it's customary.</p> <p>10 HEARING EXAMINER: Okay. For the record,</p> <p>11 Attorney Cagle has objected to the entry of Government</p> <p>12 Exhibit 10, which is a reportive investigation concerning</p> <p>13 an interview with a Scott Edward Ellis. I will, however,</p> <p>14 accept this record for entry into evidence, with the</p> <p>15 notation that the Licensee has objected to this entry.</p> <p>16 (WHEREUPON, having been previously</p> <p>17 marked for identification, Government</p> <p>18 Exhibit No. 10 is received into</p> <p>19 evidence.)</p> <p>20 MR. LOWNEY (resuming):</p> <p>21 Q So the next associated exhibit are the</p> <p>22 firearms transaction records associated with Mr. Ellis.</p> <p>23 And I'll refer you to those. They're Exhibit 8.</p> <p>24 (WHEREUPON, the documents referred to</p>	
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<p>1 come to Uncle Sam's, Steven Adkins would already have guns</p> <p>2 picked out and just tell -- you know, it would be \$10,000</p> <p>3 worth of guns. Mr. Ellis would fill out the 4473 as if he</p> <p>4 was buying the guns. He would -- it would be sent to the</p> <p>5 NIC center to be checked. He would get approved and Mr.</p> <p>6 Ellis would leave with just cash in hand and Mr. Adkins</p> <p>7 would take the guns.</p> <p>8 There were occasions that Mr. Ellis would</p> <p>9 show up. Mr. Adkins would have the guns already picked</p> <p>10 out. He'd fill out the 4473, give him the check, he'd get</p> <p>11 the cash, they'd load the guns up into Mr. Ellis' vehicle,</p> <p>12 drive straight over to Mr. Adkins' house and Mr. Adkins</p> <p>13 would then take the guns. I --</p> <p>14 MR. LOWNEY: I refer you to Government</p> <p>15 Exhibit 8, which are a series of 4473s reflecting</p> <p>16 transactions --</p> <p>17 HEARING EXAMINER: Let me enter this into</p> <p>18 the record.</p> <p>19 MR. CAGLE: Which one are we talking about</p> <p>20 now you want to enter into the record? I'm accustomed to</p> <p>21 trying lawsuits. That is the rankest of hearsay and some</p> <p>22 of it is hearsay upon hearsay. I supposed that you all</p> <p>23 customarily allow that, whatever your procedure is. That</p> <p>24 absolutely -- this man doesn't have even a particle of</p>		<p>1 were marked for identification as</p> <p>2 Government Exhibit No. 8.)</p> <p>3 MR. LOWNEY (resuming):</p> <p>4 So you interviewed Mr. Ellis and he indicated</p> <p>5 there were a number of these transactions involving him</p> <p>6 where he filled out the 4473, which were illegal</p> <p>7 transactions where he was not the actual purchaser of the</p> <p>8 firearms?</p> <p>9 A That is correct.</p> <p>10 Q And --</p> <p>11 A More than 40 -- there's more than 40</p> <p>12 firearms he identified as he definitely did not take</p> <p>13 custody of.</p> <p>14 Q And he did this at the direction of Mr.</p> <p>15 Adkins?</p> <p>16 A Yes.</p> <p>17 Q And his -- what he indicated to you was</p> <p>18 that these guns, ultimately, just went to Mr. Adkins for</p> <p>19 whatever he was going to do with them?</p> <p>20 A Not all of the them; some of them. The</p> <p>21 majority of them went to Mr. Adkins and he took them</p> <p>22 wherever. There was some occasions that Mr. Ellis came in,</p> <p>23 picked out a gun for one of these people at the coal mine.</p> <p>24 He'd pick it out, pay for it and fill out the 4473 and then</p>	

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1 leave the gun and the guy who was receiving the gun would  
2 come and pick it up.  
3 Q Was the --  
4 A At least that's what he was - - he was lead  
5 to believe that's what happened  
6 Q In Government Exhibit 8, those particular  
7 transactions are ones that Mr. Ellis indicated to you were  
8 fraudulent?  
9 A Absolutely.  
10 Q. That those guns were - - he was not the  
11 actual purchaser of the gun despite indicating on the form  
12 that he was.  
13 A That is correct.  
14 Q Okay. And through the course of your  
15 investigation, did you find other instances of individuals,  
16 at the direction of Mr. Adkins, participating in the same  
17 type of unlawful transactions?  
18 A Yes, I did.  
19 Q Okay. I'll refer you to Exhibit 11.  
20 HEARING EXAMINER: Let's enter this into  
21 the record.  
22 MR. LOWNEY: Exhibit 8?  
23 HEARING EXAMINER: Exhibit 8, I'm pretty  
24 sure --

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1 MR. LOWNEY: I'll offer Exhibit 8.  
2 HEARING EXAMINER: Which consists of how  
3 many -- quite a bit --  
4 MR. LOWNEY: Five firearms transaction  
5 records for sales -- well, for transfers that were  
6 allegedly made to Mr. Ellis.  
7 HEARING EXAMINER: Government Exhibit 8,  
8 which consists of photo copies of five firearms transaction  
9 records, Part 1, Over the counter, are hereby entered into  
10 the record as evidence, if there are any -- if there aren't  
11 any objections from the Licensee.  
12 MR. CAGLE: There are none. Those are  
13 business records.  
14 HEARING EXAMINER: Okay.  
15 (WHEREUPON, having been previously  
16 marked for identification, Government  
17 Exhibit No. 8 is received into  
18 evidence.)  
19 HEARING EXAMINER: Before we proceed, this  
20 is an administrative hearing and I'm going to ask the  
21 Government, if it will, to discuss the admissibility of  
22 hearsay in a Government -- I'm sorry, in an administrative  
23 proceeding because I'm sure this is --  
24 MR. LOWNEY: Well, the Rules of Evidence

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1 don't apply to this proceeding.  
2 MR. CAGLE: And I understand that. Let me  
3 just be frank about it. It would appear to me that there's  
4 a - and I'll be kind - relaxed standard maybe, standard of  
5 proof. Certainly evidentiary standard. I got that.  
6 That's not lost on me. However, if this goes poorly for  
7 the Licensee, I obviously want to be able to raise those  
8 issues in U.S. District Court because it seems to me there  
9 are -- if you think about Bell versus Burson and what it  
10 means, at least to people my age, licenses carry some due  
11 process requirement or loss thereof so that I don't want to  
12 waive that issue. That's all.  
13 MR. LOWNEY: No, absolutely, that's fine.  
14 MR. CAGLE: You --  
15 MR. LOWNEY: Mr. Cagle absolutely should,  
16 you know, state on the record any objection he has --  
17 MR. CAGLE: Yes.  
18 MR. LOWNEY: -- but just, legally, it is a  
19 -- it's an informal proceeding. To a great extent, the  
20 Rules of Evidence don't apply. So that's - - you know,  
21 that's the basis for the admission of hearsay and other  
22 things that in a formal courtroom proceeding would not be  
23 admissible.  
24 HEARING EXAMINER: I understand that. I

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1 just wanted the Government to make it part of the record.  
2 MR. CAGLE: And now that I'm aware of that,  
3 I don't want to be here all day --  
4 HEARING EXAMINER: Okay.  
5 MR. CAGLE: -- over everything I'm going to  
6 lose on but the -- there is certainly a distinction between  
7 the business records, which I will say were supplied by my  
8 client, largely, through me gathering them and I -- I,  
9 myself, delivered them to the Government in response to  
10 their investigation. We're not arguing over the accuracy  
11 of those.  
12 HEARING EXAMINER: Okay.  
13 MR. CAGLE: But the hearsay issue is, I  
14 think, at least an issue that my client deserves me to  
15 protect.  
16 HEARING EXAMINER: And it is a matter of  
17 record.  
18 MR. CAGLE: Yes, sir.  
19 HEARING EXAMINER: Mr. Lowney, proceed.  
20 MR. LOWNEY (resuming):  
21 Q So the next exhibit is Report of  
22 Investigation. It's Exhibit 11, which reflects an  
23 interview of Mr. Noel, who \*\*\*30.46 is here today, I  
24 believe.\*\*



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<p>1 (WHEREUPON, the document referred to</p> <p>2 was marked for identification as</p> <p>3 Government Exhibit No. 11.)</p> <p>4 MR. LOWNEY (resuming):</p> <p>5 Q So can you just describe your interview</p> <p>6 with Mr. Noel and what was involved in those transactions?</p> <p>7 A I interviewed Mr. Noel a couple of</p> <p>8 different times. The first time we met, he explained to me</p> <p>9 his relationship with the Muncys and the - - and Steven</p> <p>10 Adkins and Uncle Sam's. And how he was asked to complete</p> <p>11 4473s on - - by Steven Adkins. He was asked to complete</p> <p>12 4473s as the purchaser of firearms when he wasn't the</p> <p>13 actual purchaser.</p> <p>14 He detailed several instances of that. He</p> <p>15 also detailed how he - - some of the guns he took, Steven</p> <p>16 Adkins directed him to deliver them to someone who was a</p> <p>17 convicted felon. He told me about a - - there's a 4473</p> <p>18 where there's several Smith and Wesson 500s. He was real</p> <p>19 specific about remembering that - - that instance where he</p> <p>20 filled out the 4473 and those firearms were delivered to</p> <p>21 separate people who were not the actual - - who, you know,</p> <p>22 he - - Mr. Noel filled out the 4473. He was not the actual</p> <p>23 purchaser and he participated in distributing those</p> <p>24 firearms to other people with Mr. Adkins.</p>		<p>1 11 on the same basis?</p> <p>2 MR. CAGLE: 11, no, Shane Noel is here, so</p> <p>3 that is actually the exception to hearsay. He's here and</p> <p>4 will be examined and subject to cross examination. I've</p> <p>5 got that.</p> <p>6 HEARING EXAMINER: So you have no objection</p> <p>7 to this?</p> <p>8 MR. CAGLE: No.</p> <p>9 HEARING EXAMINER: Okay. Government</p> <p>10 Exhibit 11 which consists of a photocopy of a Report of</p> <p>11 Investigation concerning a certain individual, Shane Taylor</p> <p>12 Noel is hereby accepted for entry into the record as</p> <p>13 evidence.</p> <p>14 (WHEREUPON, having been previously</p> <p>15 marked for identification, Government</p> <p>16 Exhibit No. 11 is received into</p> <p>17 evidence.)</p> <p>18 MR. LOWNEY (resuming):</p> <p>19 Q And the next exhibit is 5 and those 10 ATF</p> <p>20 Form 4473, Firearms Transaction Records which were filled</p> <p>21 out by Mr. Noel.</p> <p>22 (WHEREUPON, the document referred to</p> <p>23 was marked for identification as</p> <p>24 Government Exhibit No. 5.)</p>	
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<p>1 Q And during this period of time, both for</p> <p>2 Mr. Noel and other persons involved, is it your</p> <p>3 understanding that Mr. Noels was not a person who could</p> <p>4 even legally possess a firearm?</p> <p>5 A He could not. In talking with Mr. Noel, he</p> <p>6 - - the way he started associated with the Muncys and</p> <p>7 Adkins and Uncle Sam's was that he was addicted to pills.</p> <p>8 He was taking - - illegally taking a lot of prescription</p> <p>9 medication and when he filled out the form, he did not</p> <p>10 indicate that he was a user of illicit drugs.</p> <p>11 Q Were Mr. Adkins and other people associated</p> <p>12 with Uncle Sam's aware of this?</p> <p>13 A Yes, it was - - I interviewed Mr. Noel's</p> <p>14 father who told me he had discussions with Roger. He had</p> <p>15 discussions with Steven Adkins about Shane's addiction to</p> <p>16 pills and, you know, the more - - the longer this</p> <p>17 investigation went on, the more it became kind of common</p> <p>18 knowledge that Shane had a pill problem. You know, I think</p> <p>19 pretty much in the community everyone realized that Shane</p> <p>20 had a pill addiction problem.</p> <p>21 Q I'll refer you to Government Exhibit 5.</p> <p>22 HEARING EXAMINER: Government Exhibit 11?</p> <p>23 MR. LOWNEY: We'll offer 11 into evidence.</p> <p>24 HEARING EXAMINER: Mr. Cagle, you object to</p>		<p>1 Q Is that how you pronounce it?</p> <p>2 A Yes.</p> <p>3 Q And so, Agent Cunningham, based on your</p> <p>4 interviews of Mr. Noel and Mr. Adkins and others, do those</p> <p>5 transaction records all represent illegal purchases where</p> <p>6 Mr. Noel falsified the form because he was not the actual</p> <p>7 purchaser?</p> <p>8 A Yes, sir. That is correct.</p> <p>9 Q And that either Mr. Adkins or in some</p> <p>10 instances the other employee at Uncle Sam's that certified</p> <p>11 the form was also knowingly falsifying the form?</p> <p>12 A That is correct.</p> <p>13 Q Because they understood that Mr. Noel was</p> <p>14 not actually the person acquiring the firearms.</p> <p>15 A That's correct.</p> <p>16 Q And, again, these employees were aware that</p> <p>17 he was a person who under Federal and State law could not</p> <p>18 legally possess firearms?</p> <p>19 A That is correct.</p> <p>20 MR. LOWNEY: Offer Government Exhibit 5 into</p> <p>21 evidence, those transaction records.</p> <p>22 HEARING EXAMINER: Government Exhibit 5 is</p> <p>23 described by -- Government Attorney Lowney, you're taking</p> <p>24 your card away. You're taking your name card away.</p>	

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1 MR. LOWNEY: Oh. It got buried in here.  
 2 HEARING EXAMINER: -- by Government  
 3 Attorney Lowney, consisting of photocopies of 10 ATF Forms  
 4 4473 executed by Shane Tyler Noel are hereby entered --  
 5 accepted for entry into the record as evidence, if there  
 6 are no objections from the Licensee?  
 7 MR. CAGLE: No, no, business records.  
 8 (WHEREUPON, having been previously  
 9 marked for identification, Government  
 10 Exhibit No. 5 is received into  
 11 evidence.)  
 12 MR. LOWNEY (resuming):  
 13 Q Next exhibit will be 12, which is a Report  
 14 of Investigation documenting an interview of Brian West,  
 15 who is also present today.  
 16 (WHEREUPON, the document referred to  
 17 was marked for identification as  
 18 Government Exhibit No. 12.)  
 19 Q And if you can go ahead and describe your  
 20 interview with Mr. West and, again, what the -- what he  
 21 indicated to you with regards to the purchases -- or the  
 22 trans -- firearms transactions he was involved with at  
 23 Uncle Sam's?  
 24 A In my investigation, I -- as I started

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1 uncovering more people and more people who had told me that  
 2 they filled these forms out fraudulently, I started getting  
 3 more names of different people who had -- who were alleged  
 4 to have done the same -- same type of action. Mr. West  
 5 was one of them. I went to him, spoke to him about his  
 6 purchase of -- there was some -- several high dollar  
 7 handguns. I asked him about his purchase of them and where  
 8 they are. He told me he never purchased them. He said  
 9 that he was -- he was contacted by Steven Adkins, asked to  
 10 come to Uncle Sam's Loans. He -- when he showed up, he  
 11 presented Mr. Adkins with his ID. He completed the form  
 12 and received a nominal payment in exchange for completing  
 13 the form. Mr. West said he never took possession of the  
 14 guns, didn't even recall even seeing the guns. He just  
 15 completed a form and got -- and got his compensation.  
 16 Q And that happened on a number of occasions?  
 17 A Yes.  
 18 Q Okay. So I'll refer you to Government  
 19 Exhibit 6, which are, again, a series of ATF Form 4473  
 20 Firearm Transaction Records which Mr. West completed at the  
 21 direction of Mr. Adkins as just described by Agent  
 22 Cunningham.  
 23 HEARING EXAMINER: Okay. In the meantime,  
 24 I'd like to accept Government Exhibit 12, which is a Report

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1 of Investigation and a photocopy of Report of Investigation  
 2 concerning an interview with a certain Brian Allen West.  
 3 And to accept this document for entry into the record as  
 4 evidence if there are no objections?  
 5 MR. CAGLE: I'm not objecting to anything  
 6 where the witness is present.  
 7 HEARING EXAMINER: Okay.  
 8 (WHEREUPON, having been previously  
 9 marked for identification, Government  
 10 Exhibit No. 12 is received into  
 11 evidence.)  
 12 (WHEREUPON, the document referred to  
 13 was marked for identification as  
 14 Government Exhibit No. 6.)  
 15 MR. LOWNEY (resuming):  
 16 Q So, again, those -- all of those firearms  
 17 transaction records according to what Mr. West told you  
 18 and, ultimately, what Mr. Adkins told you were illegal  
 19 transactions?  
 20 A Yes, they were.  
 21 HEARING EXAMINER: Exhibit 6 covers those  
 22 transactions?  
 23 MR. LOWNEY: It does.  
 24 HEARING EXAMINER: Okay.

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1 MR. CAGLE: How many transactions does that  
 2 cover, would you say?  
 3 MR. LOWNEY: It is -- Mr. West is -- two,  
 4 three, four, five, six, seven transactions.  
 5 HEARING EXAMINER: There are seven ATF Form  
 6 4473s?  
 7 MR. LOWNEY: There should be seven, yeah.  
 8 The days and the forms should match what's in the Notice of  
 9 Revocation. Also, while we're discussing, I'll make one  
 10 clarification. On the transfers to Mr. Ellis, there were  
 11 five. In the Notice, there were eight listed, but because  
 12 we had to work through -- there were some lawful  
 13 transactions of Mr. Ellis and some of them were not lawful,  
 14 so there's -- three of the ones that were listed in the  
 15 Notice are not included.  
 16 HEARING EXAMINER: Have you amended the  
 17 Notice?  
 18 MR. LOWNEY: Yeah, we can go ahead and  
 19 amend the Notice. The March 10, 2010, August 10, 2010, and  
 20 August 28, 2010, those three --  
 21 HEARING EXAMINER: Okay. I can't write  
 22 that fast. March --  
 23 MR. LOWNEY: March 10, 2010, August 10,  
 24 2010, and August 28, 2010. Those are not included in the



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1 exhibit, so there's five instead of eight.  
2 HEARING EXAMINER: So you're basically for  
3 the record amending the Notice, which is Exhibit 1, isn't  
4 it?  
5 MR. LOWNEY: Exhibit -- Government Exhibit  
6 1 --  
7 HEARING EXAMINER: To delete the reference  
8 to the transactions occurring for Mr. Ellis?  
9 MR. LOWNEY: Correct.  
10 HEARING EXAMINER: Okay. The Notice is so  
11 amended.  
12 MR. LOWNEY (resuming):  
13 Q Okay. The next Government exhibit we'll  
14 refer to is 13, which is a court investigation documenting  
15 an interview of Christina Michelle Dear Miller.  
16 (WHEREUPON, the document referred to  
17 was marked for identification as  
18 Government Exhibit No. 13.)  
19 MR. LOWNEY (resuming):  
20 Q Agent Cunningham, can you describe what Ms.  
21 Deer Miller told you with regards to her involvement with  
22 the transaction -- firearm transactions at the Licensee's?  
23 A She was similarly situated as Mr. West.  
24 She received a phone call and was asked just to come to the

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1 -- to Uncle Sam's Loans and fill out the form, fill out a  
2 4473. She said she did that a couple different times. She  
3 -- she had a valid ID. She didn't have a criminal  
4 history, so Mr. Adkins solicited her to -- fraudulently  
5 divert these firearms. She filled out the form, they --  
6 she didn't receive -- she didn't -- she told me she did  
7 not receive any compensation, she just did it because she  
8 was asked. But she filled out the forms and she said she  
9 never received any of the firearms, never even saw any of  
10 the firearms.  
11 HEARING EXAMINER: Are you stating on the  
12 record that she didn't receive any compensation?  
13 THE WITNESS: That's what she told me, yes.  
14 MR. LOWNEY (resuming):  
15 Q And what was her association with Mr.  
16 Adkins or other wise with the owners?  
17 A Mr. Adkins had a friend who's last name is  
18 Cook. I don't remember his first name, but Ms. Miller was  
19 in a relationship with him at the time and that -- they  
20 were just friends and Adkins would -- he just picked up  
21 the phone and asked her to come down to the store and fill  
22 out the forms and she did.  
23 MR. LOWNEY: So I'll offer Government  
24 Exhibit --

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1 HEARING EXAMINER: 13 --  
2 MR. LOWNEY: -- 13.  
3 MR. CAGLE: That'd be subject to my hearsay  
4 objection about that.  
5 HEARING EXAMINER: Okay. Government Exhibit  
6 13 consisting of a photocopy of a Report of Investigation  
7 concerning an interview of Christina Michelle Deer Miller,  
8 subject to objection from the Licensee, is hereby accepted  
9 for entry into the record as evidence.  
10 (WHEREUPON, having been previously  
11 marked for identification, Government  
12 Exhibit No. 13 is received into  
13 evidence.)  
14 MR. LOWNEY (resuming):  
15 Q And the next exhibit will be Exhibit 7 which,  
16 again, are four ATF firearms transaction records 4473s  
17 reflecting transactions involving Ms. Deer where she  
18 completed the form at the direction of Mr. Adkins and was  
19 not the actual recipient or purchaser of the firearms as  
20 described by Agent Cunningham. And there's four of those  
21 and that's -- those are consistent with what's listed in  
22 the Notice of Revocation.  
23 (WHEREUPON, the document referred to  
24 was marked for identification as

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1 Government Exhibit No. 7 .)  
2 HEARING EXAMINER: Do you intend to discuss  
3 these any?  
4 MR. LOWNEY: No, just that -- because he  
5 discussed those -- those are consistent with these  
6 previous transaction records.  
7 HEARING EXAMINER: Okay. Government Exhibit  
8 7 consisting of photocopies of four ATF Form 4473, executed  
9 by Christina Michelle Deer are hereby accepted for entry  
10 into the record as evidence if there are no objections of  
11 the Licensee.  
12 MR. CAGLE: There's none.  
13 HEARING EXAMINER: Okay.  
14 (WHEREUPON, having been previously  
15 marked for identification, Government  
16 Exhibit No. 7 is received into  
17 evidence.)  
18 BY MR. LOWNEY (resuming):  
19 Q Okay. So through your investigation -  
20 we'll just go back on what we've covered - that -- it was  
21 determined through your investigation that Mr. Adkins was  
22 involved in directing and facilitating illegal -- or  
23 falsification of ATF records both on his part, other  
24 employees and these people that were filling out the forms

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<p>1 in order for him to get the firearms; is that correct?</p> <p>2 A That's correct.</p> <p>3 Q Can you describe - - what was he doing with</p> <p>4 the firearms?</p> <p>5 A He was just - - the ones I was able to</p> <p>6 track down, he was distributing firearms to people</p> <p>7 associated - - or that owned coal mines or was responsible</p> <p>8 - - were big money people in the coal mines is how it was</p> <p>9 described to me. People who were in the coal industry and</p> <p>10 were wealthy. He was distributing most of those guns to</p> <p>11 those people.</p> <p>12 Q And when you said - - he was selling them</p> <p>13 to those people?</p> <p>14 A Absolutely.</p> <p>15 Q So he - - from your investigation, he was</p> <p>16 making money off this scheme?</p> <p>17 A Absolutely.</p> <p>18 Q I refer you to Exhibit 14, which is an</p> <p>19 interview of a woman named Christy Vest.</p> <p>20 (WHEREUPON, the document referred to</p> <p>21 was marked for identification as</p> <p>22 Government Exhibit No. 14.)</p> <p>23 A Yes.</p> <p>24 MR. LOWNEY (resuming):</p>	<p>1 Exhibit No. 14 is received into</p> <p>2 evidence.)</p> <p>3 MR. LOWNEY (resuming):</p> <p>4 Q The next exhibit I'll refer to is Exhibit</p> <p>5 15, which is a Report of Investigation documenting an</p> <p>6 interview of Clifford Mullins.</p> <p>7 (WHEREUPON, the document referred to</p> <p>8 was marked for identification as</p> <p>9 Government Exhibit No. 15.)</p> <p>10 MR. LOWNEY (resuming):</p> <p>11 Q Agent Cunningham, can you just describe</p> <p>12 what Mr. Mullins - - who he was - - or relationship to this</p> <p>13 and what he told you?</p> <p>14 A Clifford Mullins was or is Christy Vest's</p> <p>15 live-in boyfriend. I don't believe they're married. He -</p> <p>16 - he rented from Mr. Muncy. He worked at Mr. Muncy's</p> <p>17 business at one time. He was - - he was fired from that -</p> <p>18 - from the business. He - - he also signed one of the</p> <p>19 forms that Christy Vest completed for the fraudulent</p> <p>20 transaction; he signed it as an employer - - or as the</p> <p>21 employee conducting the transaction.</p> <p>22 Q So he's another person who was involved</p> <p>23 with and familiar with all of these illegal transactions</p> <p>24 that were going on at the business?</p>
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<p>1 Q Can you just briefly describe what she told</p> <p>2 you about her knowledge and involvement in this scheme?</p> <p>3 A She - - Christy Vest was the lady who</p> <p>4 originally called me, that got me kind of started on this.</p> <p>5 She - - she provided me the make, model and serial number</p> <p>6 of these firearms that were quote/unquote in her name. And</p> <p>7 upon further investigation and talking to her, showed her</p> <p>8 the 4473, she tells me that she completed the forms, but</p> <p>9 she didn't - - she did not purchase the firearms, had no</p> <p>10 intention of purchasing the firearms, just completed the</p> <p>11 forms at Mr. Adkins' request. And she was compensated for</p> <p>12 completing them</p> <p>13 MR. LOWNEY: I'll offer that exhibit into</p> <p>14 evidence.</p> <p>15 HEARING EXAMINER: Okay. I'm assuming</p> <p>16 there are no objections again?</p> <p>17 MR. CAGLE: Yes, sir. No objection on it.</p> <p>18 HEARING EXAMINER: Government Exhibit 14,</p> <p>19 consisting of a photocopy of a Report of Investigation</p> <p>20 concerning an interview of Christy A. Vest is hereby</p> <p>21 entered into the record as evidence, subject to objection</p> <p>22 on the basis of hearsay by the Licensee.</p> <p>23 (WHEREUPON, having been previously</p> <p>24 marked for identification, Government</p>	<p>1 A Yes.</p> <p>2 MR. LOWNEY: I'll offer Exhibit 15 into</p> <p>3 evidence.</p> <p>4 MR. CAGLE: Objection on the hearsay basis.</p> <p>5 HEARING EXAMINER: Government Exhibit 15,</p> <p>6 consisting of a photocopy of a Report of Investigation</p> <p>7 concerning an individual Clifford Lee Mullins, subject to</p> <p>8 objection on the part of the Licensee on the basis of</p> <p>9 hearsay evidence, is hereby entered into the record as</p> <p>10 evidence.</p> <p>11 (WHEREUPON, having been previously</p> <p>12 marked for identification, Government</p> <p>13 Exhibit No. 15 is received into</p> <p>14 evidence.)</p> <p>15 MR. LOWNEY (resuming):</p> <p>16 Q My next exhibit will be referred to as</p> <p>17 Exhibit 16, Report of Investigation documenting an</p> <p>18 interview of Stephen Brent Herndon.</p> <p>19 (WHEREUPON, the document referred to</p> <p>20 was marked for identification as</p> <p>21 Government Exhibit No. 16.)</p> <p>22 MR. LOWNEY (resuming):</p> <p>23 Q Agent Cunningham, can you just describe</p> <p>24 what - - who Mr. Herndon was and what information he</p>

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1 provided you?

2 A Mr. Herndon was one of the individuals who

3 were -- who was having to generate cash to pay kick backs

4 at the coal mines. He, in interviewing him, what -- the

5 important part I got out of that was, he -- when he was

6 needing to generate money, he went to Uncle Sam's to cash

7 the checks because that's where his dad originally --

8 originally was generating money to pay kick backs and as

9 his dad got out of the business or moved on to a different

10 company, Stephen Herndon started going there and generating

11 his cash to pay the kick backs.

12 HEARING EXAMINER: Mr. Herndon's father was

13 originally an employee at Uncle Sam's?

14 THE WITNESS: No, sir. He was -- the

15 Herndons are -- they were vendors at coal mines and the

16 senior Mr. Herndon originally started dealing with the

17 Muncys generating money so he could pay kick backs --

18 HEARING EXAMINER: Oh, he dealt with the

19 Muncys --

20 THE WITNESS: Yes.

21 HEARING EXAMINER: -- he wasn't employed

22 there.

23 THE WITNESS: No, he did not work there.

24 HEARING EXAMINER: I'm sorry,

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1 misunderstanding. Thank you.

2 MR. LOWNEY (resuming):

3 Q And through this, you indicated originally,

4 this -- all this came to your attention through the

5 investigation over this bribe or kick-back scheme that was

6 going on?

7 A That was my first knowledge of what was

8 going on, yes.

9 Q And, you know, to your understanding,

10 through that investigation and talking to other agencies

11 involved, were all these -- was this process of Uncle

12 Sam's cashing these checks for these persons something

13 their business should have been doing or was authorized to

14 do?

15 A They were not licensed to do and they

16 shouldn't have.

17 Q Also to clarify just for the hearing

18 officer for just background, were a number of people

19 ultimately federally prosecuted as a part of all that, the

20 kick backs and bribes that were going on?

21 A. Yes, several.

22 MR. LOWNEY: Okay. I'll offer that exhibit

23 into evidence, 16.

24 MR. CAGLE: I'll object on that, that's

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1 about three times hearsay removed, so ...

2 HEARING EXAMINER: Government Exhibit 16,

3 consisting of a photocopy of a Report of Investigation

4 relating to an interview with Stephen Brent Herndon is

5 hereby accepted for entry into the record as evidence, on

6 the objections -- based on the objections from the

7 Licensee.

8 (WHEREUPON, having been previously

9 marked for identification, Government

10 Exhibit No. 16 is received into

11 evidence.)

12 MR. LOWNEY (resuming):

13 Q Next exhibit will be Exhibit 17 we'll refer

14 to which is a Report of Investigation documenting an

15 interview of Alice Faye Blair.

16 (WHEREUPON, the document referred to

17 was marked for identification as

18 Government Exhibit No. 17.)

19 MR. LOWNEY (resuming):

20 Q Agent Cunningham, who was Ms. Blair and

21 what was her relationship to the business?

22 A Ms. Blair is Steven Adkins' mother. She

23 worked at Uncle Sam's Loans. She described to me that she

24 worked there under the table is how she said it. She'd get

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1 -- she wouldn't get a pay check. She would get reimbursed

2 for her time, they' give her merchandise from the store.

3 She held up her fingers like showing me jewelry when I

4 asked her about that.

5 HEARING EXAMINER: She held up her fingers

6 --

7 THE WITNESS: Showing rings on her fingers.

8 HEARING EXAMINER: Okay.

9 THE WITNESS: But, you know, that's what

10 she -- indicating to me that, you know, the rings were her

11 compensation. She also had signed -- she'd signed 4473s -

12 I believe they were Scotty Ellis'. A couple, one or two of

13 the Scotty Ellis' transactions.

14 MR. LOWNEY (resuming):

15 Q Was she another employee of the store that

16 was aware of Mr. Noel's drug problem?

17 A She -- when I asked her about that, she

18 said that she'd been told by people in the community that

19 Shane had a real bad prescription pill addiction

20 HEARING EXAMINER: And when -- just a

21 clarification. When you say she signed the 4473 for Mr.

22 Ellis, she signed it as representative of the Licensee or

23 as a purchaser?

24 THE WITNESS: Yeah, I'm sorry. I should

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1 have made myself more clear. Yes, she -- she signed --  
 2 she certified on the form that she was conducting the  
 3 transaction as an employee.  
 4 HEARING EXAMINER: She signed as a  
 5 Licensee?  
 6 THE WITNESS: Yes.  
 7 HEARING EXAMINER: Okay.  
 8 MR. LOWNEY: I'll offer Exhibit 17 into  
 9 evidence.  
 10 MR. CAGLE: Objection, hearsay.  
 11 HEARING EXAMINER: Okay. Government  
 12 Exhibit 17, consisting of a photocopy of a Report of  
 13 Investigation of an interview with Alice Faye Blair is  
 14 hereby entered into the record as evidence, with the  
 15 standing objection as to hearsay evidence from the  
 16 Licensee.  
 17 (WHEREUPON, having been previously  
 18 marked for identification, Government  
 19 Exhibit No. 17 is received into  
 20 evidence.)  
 21 MR. LOWNEY (resuming):  
 22 Q Next exhibit would be 18, which is a Report  
 23 of Investigation documenting an interview of Elizabeth Ann  
 24 Adkins.

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1 (WHEREUPON, the document referred to  
 2 was marked for identification as  
 3 Government Exhibit No. 18.)  
 4 MR. LOWNEY (resuming):  
 5 Q Agent Cunningham, can you indicate who Ms.  
 6 Adkins was and what she told you?  
 7 A Ms. Adkins is Steven Adkins' ex-wife. She  
 8 told me she was an employee of Uncle Sam's but I've found  
 9 no record of her employment at Uncle Sam's. She told me  
 10 that when -- in 2012, when Steven Adkins and the Muncys  
 11 entered into an agreement to sell part of the -- Uncle  
 12 Sam's Loans to Steven Adkins, they were married at the  
 13 time. After they got divorced, she alleged that the  
 14 paperwork was changed and just showed Steven Adkins as  
 15 owner and didn't include her as the spouse.  
 16 HEARING EXAMINER: The paperwork as to --  
 17 THE WITNESS: To the transaction between  
 18 Steven Adkins and the Muncys for Steven Adkins to buy a  
 19 portion of Uncle Sam's Loans.  
 20 Q And did Ms. Adkins indicate that she had  
 21 knowledge of all these illegal transactions that her ex-  
 22 husband had been involved with?  
 23 A She provided me with the names of several  
 24 people who -- who I -- some of the people who are in this

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1 room who -- Brian West is her brother. She gave me the  
 2 names of several people who committed -- who completed  
 3 forms and did not -- completed a 4473 and did not receive  
 4 the guns.  
 5 MR. LOWNEY: I offer Exhibit 18 into  
 6 evidence.  
 7 HEARING EXAMINER: Objection?  
 8 MR. CAGLE: Objection, yes, sir.  
 9 HEARING EXAMINER: Government Exhibit 18,  
 10 consisting of a photocopy of a Report of Investigation of  
 11 an interview with Elizabeth Ann Adkins -- and the previous  
 12 Reports of Investigation, all of them were conducted by you  
 13 Special Agent Cunningham?  
 14 THE WITNESS: Yes, sir.  
 15 HEARING EXAMINER: Okay. For the record,  
 16 the previous Reports of Investigation would include Agent  
 17 Cunningham's name as a signatory to the report. At any  
 18 rate, with the objection -- with an objection from the  
 19 Licensee based on hearsay evidence, Government 18 as  
 20 described is hereby accepted for entry into the record as  
 21 evidence.  
 22 (WHEREUPON, having been previously  
 23 marked for identification, Government  
 24 Exhibit No. 18 is received into

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1 evidence.)  
 2 MR. LOWNEY (resuming):  
 3 Q The next exhibit we'll refer to is 9, which  
 4 is a Report of Investigation, two of them, documenting  
 5 interviews of Steven Lamar aka Noodle Adkins, Exhibit 9  
 6 (WHEREUPON, the documents referred to  
 7 were marked for identification as  
 8 Government Exhibit No. 9.)  
 9 MR. LOWNEY (resuming):  
 10 Q Agent Cunningham, you interviewed Mr.  
 11 Adkins twice during the course of this investigation. Can  
 12 you describe what he told you during those interviews?  
 13 A He told me that he did not dream up this  
 14 scheme himself. He said he was told to do it by Muncys.  
 15 He said he was just following orders to move guns out of  
 16 the store. That's why he was getting people to complete  
 17 the forms and then distributing the guns to the big money  
 18 coal people.  
 19 He said that some of these people from the  
 20 coal companies would order guns. They'd come in and they'd  
 21 sit in the back room. He said that, you know, he was  
 22 getting pressure from the Muncys to get the guns out the  
 23 door as opposed to letting them set back there.  
 24 They wanted them out the door so they could

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1 make money. So he said he started -- well, he started  
 2 soliciting these people to complete the forms so he could  
 3 get the firearms off the A & D book and then he could  
 4 distribute them.  
 5 Q And to go back, the first time that you  
 6 interviewed him, did he deny this activity?  
 7 A He very much denied it. He was -- he  
 8 wasn't cooperative at all. He -- when confronted with  
 9 people like Shane Noel or Brian West, he denied his  
 10 involvement in that. And the second time, he came around  
 11 and what he told me coincided with exactly what they told  
 12 me. Well, I don't want to say exactly -- for the most part.  
 13 Q And what was involved the second time that  
 14 prompted him to change what he had told you the first time  
 15 and start to acknowledge some of this activity?  
 16 A He came in -- first of all, he came in  
 17 with an attorney, Mr. Campbell. He had also just been  
 18 fired from Uncle Sam's and he -- I think he realized he  
 19 was going to get charged regardless of whether he told us  
 20 the truth or he didn't. And subsequently, he was charged --  
 21 charged and pled guilty and was convicted.  
 22 Q And did he indicate that before the first  
 23 interview, he'd been pressured by the Muncys to not  
 24 disclose certain things to you?

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1 MR. CAGLE: Recognize a leading question.  
 2 I'll lodge an objection, but you can go ahead.  
 3 HEARING EXAMINER: I note your objection.  
 4 MR. CAGLE: Yes.  
 5 HEARING EXAMINER: But this is very  
 6 informal.  
 7 MR. CAGLE: All right.  
 8 THE WITNESS: When Mr. Adkins told us that,  
 9 you know, the first time he came up, he received  
 10 instructions from the Muncys to not discuss certain things,  
 11 kick backs being one of them, check cashing. And at the  
 12 time, he was employed -- he was an employee or part owner.  
 13 MR. LOWNEY (resuming):  
 14 Q In the subsequent interview, the second  
 15 interview where he did acknowledge all the illegal  
 16 transactions involving various individuals including Mr.  
 17 West, Mr. Noel, Ms. Deer, Mr. Ellis did he indicate to you  
 18 to what extent the Muncys had knowledge of what was going  
 19 on with him and all these transactions?  
 20 A He indicated that that's why he was doing  
 21 that was because he was directed by the Muncys to get the  
 22 guns out the door.  
 23 Q Through the course of your investigation  
 24 and talking with various people that were employed by the

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1 business or present at the business everyday, was it  
 2 consistent that they all seemed to have knowledge of these  
 3 activities?  
 4 A Do I think they had knowledge? Absolutely,  
 5 I think they had.  
 6 Q Did other employees indicate to you that  
 7 they had some level of knowledge?  
 8 A Some level of knowledge, yes, absolutely.  
 9 Maybe not the whole scheme, but some level and Mr. Allen  
 10 signed -- he signed one of the 4473s for, I think it was,  
 11 Mr. Ellis. You know, Mr. Ellis, he goes down and looks at  
 12 the guns. He says, "Those aren't my guns. I didn't  
 13 purchase -- they wasn't for me."  
 14 Q In the second interview with Mr. Adkins,  
 15 did he also indicate to you that the Muncys were paying  
 16 employees in cash and otherwise compensating them and under  
 17 reporting the income that was coming in the business and  
 18 taking cash out?  
 19 A Absolutely, and he said he was one of the  
 20 employees that got cash and said he was -- he was paid in  
 21 cash. His -- his income was reported as \$20,000 yet he  
 22 lives in a nice brick house and there's a pool in the back  
 23 yard. And he explained that he wasn't the only one that  
 24 was getting cash.

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1 HEARING EXAMINER: You ready to enter it?  
 2 MR. LOWNEY: Enter Exhibit 9.  
 3 MR. CAGLE: Object as to the hearsay and  
 4 beyond hearsay, double.  
 5 HEARING EXAMINER: Government Exhibit 9,  
 6 consisting of a photocopy of a Report of Investigation by  
 7 Special Agent Cunningham of Steven Lamar aka Noodle Adkins  
 8 is hereby accepted for entry into the record as evidence  
 9 over the objections of counsel for the Licensee.  
 10 (WHEREUPON, having been previously  
 11 marked for identification, Government  
 12 Exhibit No. 9 is received into  
 13 evidence.)  
 14 MR. LOWNEY (resuming):  
 15 Q Next exhibit is Government Exhibit 4, which  
 16 is a copy of an indictment in the Southern U.S. District  
 17 Court for the Southern District of West Virginia, United  
 18 States versus Steven Adkins. Also attached to that is a  
 19 subsequent plea agreement where Mr. Adkins pled guilty to a  
 20 criminal violation of the Gun Control Act involving an  
 21 illegal transaction involving Mr. Noel.  
 22 (WHEREUPON, the documents referred to  
 23 were marked for identification as  
 24 Government Exhibit No. 4.)



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1 MR. LOWNEY (resuming):  
 2 Q Agent Cunningham, can you describe how this  
 3 guilty plea came about involving Mr. Adkins?  
 4 A After our second interview - around the  
 5 same time of our second interview, there was a - - Mr.  
 6 Adkins, through his attorney Mr. Campbell, spoke with the  
 7 Assistant United States Attorney handling the case and they  
 8 negotiated out this plea. Mr. Adkins was indicted and then  
 9 he subsequently entered into a plea agreement for the  
 10 indictment.  
 11 Q So he pled guilty to one felony charge,  
 12 correct?  
 13 A That's correct.  
 14 Q But in the course of that process,  
 15 including directly in the plea agreement, he acknowledged,  
 16 accepting responsibility for an extensive number of these  
 17 similar type of illegal transactions and, in fact, the  
 18 judge attributed a number of firearms to him as having been  
 19 trafficked.  
 20 A Absolutely, the judge found it was  
 21 approximately 40 guns that he accepted and Mr. Adkins  
 22 admitted to trafficking  
 23 COURT REPORTER: I can't hear your last few  
 24 words every time you trail off. I'm sorry. "He admitted

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1 to the" --  
 2 THE WITNESS: He admitted to the  
 3 transactions and to trafficking the firearms through Uncle  
 4 Sam's Loans.  
 5 COURT REPORTER: Thank you.  
 6 MR. LOWNEY (resuming):  
 7 Q The next exhibit is Exhibit 19 --  
 8 HEARING EXAMINER: Government Exhibit 4 --  
 9 MR. LOWNEY: Oh, I'll offer Exhibit 4.  
 10 HEARING EXAMINER: -- consisting of a  
 11 photocopy of an indictment and related documents concerning  
 12 Steven Adkins is hereby accepted for entry into the record  
 13 as evidence if there are no objections from the Licensee.  
 14 MR. CAGLE: No objections.  
 15 (WHEREUPON, having been previously  
 16 marked for identification, Government  
 17 Exhibit No. 4 is received into  
 18 evidence.)  
 19 HEARING EXAMINER: Incidentally, for the  
 20 record, I'm describing the entry into the record in general  
 21 terms. In the final report of this hearing, these  
 22 documents will all be specified in detail. Go ahead.  
 23 MR. LOWNEY (resuming):  
 24 Q Exhibit 19 will be the next exhibit

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1 referred to.  
 2 (WHEREUPON, the document referred to  
 3 was marked for identification as  
 4 Government Exhibit No. 19.)  
 5 MR. LOWNEY (resuming):  
 6 Q During the course of your investigation,  
 7 you had noticed something unusual about where the Muncys  
 8 were listing their residence and followed up on that. Can  
 9 you describe what you did?  
 10 A Yes, see, I had realized when we executed  
 11 the search warrant at Uncle Sam's Loans that when I ran  
 12 across transactions involving Roger and Louise Muncy, that  
 13 their - - they listed their residential address as their  
 14 business. I subsequently - - their business address, 200  
 15 Main Street in Man. I subsequently went and ran the - -  
 16 both of their drivers' license and found that their West  
 17 Virginia drivers' license also listed residential address  
 18 as 200 Main Street, Man, West Virginia.  
 19 Well, I knew that they didn't live at 200  
 20 Main Street. I knew they lived in Hensley Heights, at 914  
 21 Hensley Heights, Man, West Virginia. I couldn't figure out  
 22 why, why would - - it didn't make sense to me why you would  
 23 list, when it asks on the ATF 4473 your residential address  
 24 as - - you would give your business address when it's your

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1 residential address. That's what it asked for.  
 2 I wanted to confirm that they - - well, I  
 3 ended up I figured out that Mr. Muncy is on town council  
 4 and he lives outside of the city limits of Man, but his  
 5 business is inside the city limits. So the only thing I  
 6 could deduct was that's why he listed his business address  
 7 as - - as his residential address on his driver's license.  
 8 I - - you know, I went and checked and, you know, their  
 9 residence is within - - it's less than a half mile of the  
 10 city limits or the town limits.  
 11 MR. LOWNEY: I offer that exhibit into  
 12 evidence.  
 13 HEARING EXAMINER: Government Exhibit 19,  
 14 which is a Report of Investigation relating to the location  
 15 of the Roger and Louise Muncy residence is hereby accepted  
 16 for entry into the record as evidence unless there are  
 17 objections from the Licensee.  
 18 MR. CAGLE: I'm not sure what it's probative  
 19 value is, okay, but I gather that those kinds of objections  
 20 don't matter here. But that'd be it if I were in a court  
 21 of law.  
 22 HEARING EXAMINER: Exhibit 19 is so recorded  
 23 as in evidence.  
 24 (WHEREUPON, having been previously

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1 marked for identification, Government  
2 Exhibit No. 19 is received into  
3 evidence.)  
4 MR. LOWNEY (resuming):  
5 Q So overall through this investigation from  
6 Mr. Adkins and the other folks that you interviewed, you  
7 know, it's not -- at this point there's nobody who has  
8 disputed that a lot of unlawful transactions took place at  
9 the business; is that correct?  
10 A That's correct.  
11 Q Ultimately, Mr. Adkins pled guilty to one  
12 count.  
13 A That's correct.  
14 Q But the other persons involved, including  
15 Mr. West, Mr. Noel, everybody that was involved and they -  
16 - ultimately, when they were interviewed by you, admitted  
17 to what had gone on.  
18 A That's correct.  
19 Q According to persons like Mr. Adkins and  
20 Mr. Ellis, were the Muncys aware of these activities?  
21 A Absolutely.  
22 Q Was your -- from your understanding, were  
23 Mr. and Mrs. Muncy present at the business on any sort of  
24 regular basis during this time period?

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1 A Which time period?  
2 Q The '09, 2010, 2011 when these transactions  
3 were largely taking place?  
4 A Mr. Muncy was removed from the FFL license  
5 in 2007, which 2007, '08 -- you can correct me, but around  
6 there, he started having his health problems and he wasn't  
7 around the store very much. My understanding was Louise  
8 was there regularly during business hours.  
9 Q Next exhibit is Government Exhibit 20 and  
10 the next series of exhibits are just documents that reflect  
11 the compliance history of the business. So Exhibit 20 are  
12 documents associated with an October -- or with a 2014  
13 compliance inspection, that resulted in a warning  
14 conference with the Licensee, so it's the letters  
15 associated with that, a Report of Violations and the  
16 acknowledgment of firearms regulations.  
17 (WHEREUPON, the documents referred to  
18 were marked for identification as  
19 Government Exhibit No. 20.)  
20 HEARING EXAMINER: Will you discuss these  
21 in more detail?  
22 MR. LOWNEY: No, I'm just going to  
23 introduce them into the record as -- to establish the  
24 previous compliance history of the Licensee.

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1 HEARING EXAMINER: Okay. Go ahead and  
2 introduce them and I'll accept them en masse.  
3 MR. LOWNEY: Exhibit 21 is an  
4 acknowledgment of Federal firearms regulations following a  
5 2009 compliance inspection that was signed by an individual  
6 named Melinda Boyd on behalf of the Licensee.  
7 (WHEREUPON, the document referred to  
8 was marked for identification as  
9 Government Exhibit No. 21.)  
10 MR. LOWNEY: Exhibit 22 stems from a 2008  
11 compliance inspection and consists of a warning letter that  
12 was issued to Mrs. Muncy and also includes a report of  
13 violations from that inspection and the acknowledgment of  
14 Federal firearm regulations from that inspection.  
15 (WHEREUPON, the documents referred to  
16 were marked for identification as  
17 Government Exhibit No. 22.)  
18 MR. LOWNEY: Exhibit 23, documents  
19 associated with a 2007 compliance inspection and also  
20 includes a warning letter issued to the Licensee following  
21 that inspection, a copy of the report of violations from  
22 that inspection and an acknowledgment of the Federal  
23 firearms regulations from that 2007 inspection.  
24 (WHEREUPON, the documents referred to

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1 were marked for identification as  
2 Government Exhibit No. 23.)  
3 MR. LOWNEY: Exhibit 24 is a report of  
4 violations issued to the Licensee that's dated April of  
5 1991.  
6 (WHEREUPON, the document referred to  
7 was marked for identification as  
8 Government Exhibit No. 24.)  
9 MR. LOWNEY: The last exhibit is Government  
10 Exhibit 25, which is a copy of the case of Stein's versus  
11 Blumenthal and also a series of case citations. These  
12 cases represent Federal firearms licensing revocations and  
13 not denials. The courts have held that the owners and  
14 responsible persons or Federal Firearms Licensees are  
15 responsible for the conduct and actions of their employees.  
16 That's Exhibit 25.  
17 (WHEREUPON, the documents referred to  
18 were marked for identification as  
19 Government Exhibit No. 25.)  
20 HEARING EXAMINER: Mr. Cagle you've had an  
21 opportunity to go through these exhibits. Have you any  
22 objection to entry of these records?  
23 MR. CAGLE: No, I don't have any objections  
24 --



<p>PROCEEDINGS Page 65</p> <p>1 HEARING EXAMINER: Okay.</p> <p>2 MR. CAGLE: -- based on my understanding of</p> <p>3 procedure here.</p> <p>4 HEARING EXAMINER: Okay. Government</p> <p>5 Exhibits 20 through --</p> <p>6 MR. LOWNEY: 25.</p> <p>7 HEARING EXAMINER: -- 25 as described by</p> <p>8 Government Lowney are hereby accepted for entry into the</p> <p>9 record as evidence, there being no objection from the</p> <p>10 Licensee.</p> <p>11 (WHEREUPON, having been previously</p> <p>12 marked for identification, Government</p> <p>13 Exhibit Nos. 20, 21, 22, 23, 24 and</p> <p>14 25 are received into evidence.)</p> <p>15 MR. LOWNEY: The Government has nothing</p> <p>16 further.</p> <p>17 HEARING EXAMINER: Mr. Cagle, do you want</p> <p>18 to cross examine now or do you want to take some time?</p> <p>19 MR. CAGLE: It's up to you. You tell me.</p> <p>20 I'm ready to go if you are. If you want -- you say you</p> <p>21 want to take a break, if you want to do that, just talk to</p> <p>22 these other two guys.</p> <p>23 HEARING EXAMINER: Why don't we take about</p> <p>24 10 minutes --</p>	<p>PROCEEDINGS Page 67</p> <p>1 DAVID WALLS,</p> <p>2 having been called to tell the truth, testified as</p> <p>3 follows:</p> <p>4 DIRECT EXAMINATION</p> <p>5 BY MR. CAGLE:</p> <p>6 Q State your name, please.</p> <p>7 A My name is William David Walls but I go by</p> <p>8 David.</p> <p>9 Q Mr. Walls, what's your occupation?</p> <p>10 A I'm the Chief of Police of the Town of Man.</p> <p>11 Q How long have you held that position?</p> <p>12 A Six or seven years. It's been a while.</p> <p>13 Q Before that, what kind of work did you do?</p> <p>14 A I've had a bunch of different jobs. The</p> <p>15 job I had before being a police officer, I was a security</p> <p>16 guard at a coal mine.</p> <p>17 Q Are you a life-long resident of Man or just</p> <p>18 how many years have you lived there?</p> <p>19 A We moved to Man when I was seven years old</p> <p>20 from Waukegan, Illinois.</p> <p>21 Q Since that time you and your family have</p> <p>22 lived there?</p> <p>23 A Yes, sir.</p> <p>24 Q How well do you know Louise and Roger</p>
<p>PROCEEDINGS Page 66</p> <p>1 MR. CAGLE: Okay.</p> <p>2 HEARING EXAMINER: -- because we've been in</p> <p>3 here for over an hour.</p> <p>4 MR. CAGLE: Okay.</p> <p>5 HEARING EXAMINER: The time is</p> <p>6 approximately 11:12. We'll reconvene at approximately</p> <p>7 11:25.</p> <p>8 (A brief recess was had, after which the</p> <p>9 proceeding continued as follows:)</p> <p>10 HEARING EXAMINER: Okay. The time is</p> <p>11 approximately 11:24 and we're back on the record. Before I</p> <p>12 start again, a couple of corrections. I misstated the time</p> <p>13 the hearing began this morning. I incorrectly said it was</p> <p>14 10:58 a.m. I was told that it was 9:58 a.m. And the</p> <p>15 second item is Missy Young, who is a certified court</p> <p>16 reporter is also present at the hearing for the purpose of</p> <p>17 making a recordation.</p> <p>18 The Licensee has requested that, in lieu of</p> <p>19 opening this part of the hearing, the cross examination,</p> <p>20 that it bring David Walls, Chief of Police from the Town of</p> <p>21 Man as it's first witness.</p> <p>22 MR. CAGLE: Okay. I appreciate the</p> <p>23 courtesy to do that.</p> <p>24 HEARING EXAMINER: Not at all.</p>	<p>PROCEEDINGS Page 68</p> <p>1 Muncy?</p> <p>2 A I know them -- I've known them since I was</p> <p>3 a kid. I didn't really know them that well. I played</p> <p>4 football with their son, went all through high school and</p> <p>5 middle school with their son and played football with him.</p> <p>6 I didn't really get to know them until I became a police</p> <p>7 officer.</p> <p>8 Q Okay. How far is the police department</p> <p>9 from Uncle Sam's?</p> <p>10 A A hundred feet.</p> <p>11 Q Do you associate Uncle Sam's with Louise</p> <p>12 and Roger?</p> <p>13 A Yes, sir.</p> <p>14 Q In other words, in that -- how many people</p> <p>15 are in Man?</p> <p>16 A Oh, not a whole lot, a few hundred,</p> <p>17 probably --</p> <p>18 MR. MUNCY: 750.</p> <p>19 THE WITNESS: 750?</p> <p>20 MR. CAGLE: Okay. Now, Roger, you've got to</p> <p>21 wait your turn, buddy.</p> <p>22 MR. MUNCY: Okay.</p> <p>23 MR. CAGLE: It's informal, but not that</p> <p>24 informal. We'll put a muzzle on Roger here in a second.</p>

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<p>1 MR. CAGLE (resuming):</p> <p>2 Q In any event, this is a -- for the sake of</p> <p>3 the gentleman who is acting as hearing examiner, this is</p> <p>4 small town America; is it not?</p> <p>5 A Yes, sir.</p> <p>6 Q And what is -- what's the -- what's the</p> <p>7 typical occupation in Man, West Virginia?</p> <p>8 A Coal mines.</p> <p>9 Q And what's the state of the coal mines in</p> <p>10 Man, West Virginia?</p> <p>11 A It's going downhill.</p> <p>12 Q It's virtually --</p> <p>13 A It's pretty bad.</p> <p>14 Q The economy sucks --</p> <p>15 A Yeah.</p> <p>16 Q -- excuse the vernacular.</p> <p>17 A I started to say that, but I didn't know if</p> <p>18 I should.</p> <p>19 Q Okay. Well -- okay. Well, people will</p> <p>20 understand when you say that. Now, with respect to Uncle</p> <p>21 Sam's as a working environment or entity there in the Town</p> <p>22 of Man, what's the reputation that Uncle Sam's has?</p> <p>23 A They have -- well, people come from all</p> <p>24 over the place to Uncle Sam's. I mean, it's a pretty well</p>		<p>1 A They've always --</p> <p>2 Q -- Loans or whatever their proper name</p> <p>3 might be?</p> <p>4 A They've always had a good reputation.</p> <p>5 Q And what about Mr. and Mrs. Muncy as to</p> <p>6 their reputation --</p> <p>7 A The same.</p> <p>8 Q -- in that community?</p> <p>9 A They have a good reputation also.</p> <p>10 Q Do you have a personal opinion, both about</p> <p>11 their entity as a business entity in Man, West Virginia,</p> <p>12 and Mr. and Mrs. Muncy?</p> <p>13 A I think they're good people. Roger is one</p> <p>14 of the best people I know, as far as being a person goes.</p> <p>15 Q Why do you say that?</p> <p>16 A Just being good to people.</p> <p>17 Q What do you mean? Give me some -- give</p> <p>18 this gentlemen, Mr. Maraist, who has a decision to make, an</p> <p>19 idea of why you carry that opinion about Mr. Muncy.</p> <p>20 A He's just -- he's -- I've never seen him</p> <p>21 be mean to anybody. He is on the town council. I know</p> <p>22 that, as far as Noodle goes, that he treated Noodle like a</p> <p>23 son. I mean, Noodle didn't really have a father figure in</p> <p>24 his life and he took Noodle in and was really good to him.</p>	
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<p>1 known place of business.</p> <p>2 Q How long, in your recollection, has Uncle</p> <p>3 Sam's been in business in Man?</p> <p>4 A As long as I've lived here.</p> <p>5 Q And it's always been located the same</p> <p>6 place?</p> <p>7 A Well, I think --</p> <p>8 Q Or has it moved?</p> <p>9 A I think -- if I'm not mistaken, I was a</p> <p>10 little boy. Was it down the street a little bit, maybe and</p> <p>11 he had a fire. They had a fire and they moved up -- down</p> <p>12 the street a little ways, but --</p> <p>13 Q And I take it, Uncle Sam's has employees,</p> <p>14 correct?</p> <p>15 A Yes, sir.</p> <p>16 Q And you know the employees?</p> <p>17 A Yes, sir.</p> <p>18 Q Have you had trouble with Uncle Sam's as</p> <p>19 part of your policing? Has that ever been a problem with</p> <p>20 you?</p> <p>21 A No, sir.</p> <p>22 Q What is the reputation, as you understand</p> <p>23 it in the community of Man, West Virginia, of the business</p> <p>24 of Uncle Sam's --</p>		<p>1 Q How long, in your recollection, was Noodle</p> <p>2 working, at least during your tenure as chief?</p> <p>3 A I think, if I'm not mistaken, since he got</p> <p>4 out of high school. I think he worked there since he</p> <p>5 graduated, if I'm not mistaken.</p> <p>6 Q Did you at sometime become cognizant of the</p> <p>7 fact that Noodle was going to be allowed to buy in to the</p> <p>8 business of Uncle Sam's?</p> <p>9 A I think he mentioned it to me one time.</p> <p>10 It's been a long time ago.</p> <p>11 Q And the "he" you're referring to?</p> <p>12 A Noodle.</p> <p>13 Q Okay.</p> <p>14 A Steven Adkins.</p> <p>15 Q So you knew Noodle, right?</p> <p>16 A Yes, sir.</p> <p>17 Q Did you have any indication as a police</p> <p>18 officer that Noodle was, basically, running a sham business</p> <p>19 out of this ***6.46***?</p> <p>20 A No, sir, I didn't know any of this stuff.</p> <p>21 Really, I didn't hardly know anything about it until today.</p> <p>22 I mean, I know now more than -- I mean, I just -- I knew</p> <p>23 what was said in the papers and on the news, but other than</p> <p>24 that, I didn't know anything about any of this.</p>	

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<p>1 Q Okay. So there was nothing, at least to</p> <p>2 your observation as a police officer, that would be</p> <p>3 indicative of some sort of trafficking in firearms as this</p> <p>4 earlier witness has alluded to?</p> <p>5 A No, sir, I didn't have any knowledge of any</p> <p>6 of this stuff.</p> <p>7 Q Okay. It really wasn't in your -- your</p> <p>8 area of investigation to be some how investigating the coal</p> <p>9 mines or some kick back schemes at the coal mines, right?</p> <p>10 A No, sir.</p> <p>11 Q And all you know about that you might have</p> <p>12 read in the papers; is that correct?</p> <p>13 A Yes, sir.</p> <p>14 Q Did you -- were you aware that -- that</p> <p>15 Uncle Sam's had a license as a check cashing entity? Are</p> <p>16 you familiar with that?</p> <p>17 A No, sir.</p> <p>18 Q Okay. So that's likewise something about</p> <p>19 which you have no familiarity, right?</p> <p>20 A No, sir.</p> <p>21 Q Did you know people who would go there to</p> <p>22 cash checks?</p> <p>23 A No, sir.</p> <p>24 Q Just that they were a pawn and they had</p>		<p>1 MR. CAGLE: Yes. That was important to him</p> <p>2 to be able to be there. All right I'm ready.</p> <p>3 RO B C U N N I N G H A M,</p> <p>4 having been called to tell the truth, was recalled for</p> <p>5 cross-examination and testified as follows:</p> <p>6 CROSS-EXAMINATION</p> <p>7 BY MR. CAGLE:</p> <p>8 Q Agent Cunningham, let me start with</p> <p>9 something with you that we can go ahead and lay out our</p> <p>10 exhibits. You had indicated that one of the individuals to</p> <p>11 whom you referred was a Scott Ellis; is that correct?</p> <p>12 A That's correct.</p> <p>13 Q And another one whom you referred was a</p> <p>14 Stephen Herndon, correct?</p> <p>15 A Correct.</p> <p>16 Q And likewise, over my objection, you</p> <p>17 introduced -- or it was introduced their interviews or</p> <p>18 copies thereof, correct?</p> <p>19 A Those were -- those where introduced, yes.</p> <p>20 Q Yes.</p> <p>21 A They were interviews that I conducted.</p> <p>22 Q Yes, sir. I understand. And you were</p> <p>23 conducting it, as I understand it, as sort of a spin-off of</p> <p>24 what has been referred to from time to time as some kick-</p>	
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<p>1 items for sale which might include bows and arrows and</p> <p>2 firearms.</p> <p>3 A Yes, sir.</p> <p>4 Q All right. You feel comfortable speaking</p> <p>5 for the Town of Man today as to the reputation of Uncle</p> <p>6 Sam's --</p> <p>7 A Yes, sir.</p> <p>8 Q -- and it's owners?</p> <p>9 A Yes, sir.</p> <p>10 MR. CAGLE: I don't have any further</p> <p>11 questions.</p> <p>12 HEARING EXAMINER: Does the Government have</p> <p>13 any questions?</p> <p>14 MR. LOWNEY: I don't have any questions.</p> <p>15 MR. CAGLE: You can go, then.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. CAGLE: Thank you very much.</p> <p>18 THE WITNESS: Thank you.</p> <p>19 MR. LOWNEY: Thank you.</p> <p>20 HEARING EXAMINER: Thank you for your</p> <p>21 testimony.</p> <p>22 THE WITNESS: You all have a good day.</p> <p>23 HEARING EXAMINER: Mr. Adkins can leave as</p> <p>24 well?</p>		<p>1 back scheme in the coal mines, right?</p> <p>2 A That -- that was my initial -- that was</p> <p>3 my initial knowledge of the firearms, a number of firearms</p> <p>4 going to people at the coal mines, but I really didn't --</p> <p>5 my investigation didn't really gain traction until I spoke</p> <p>6 with Ms. Vest and she said she -- you know, about the guns</p> <p>7 that she said were in her name. That's kind of when my</p> <p>8 investigation took off.</p> <p>9 Q Now, you recall during your earlier</p> <p>10 testimony, you referred to a check cashing scheme that you</p> <p>11 attributed to the Muncys; isn't that correct? Or -- and</p> <p>12 specifically, to Roger and perhaps on occasions to Louise;</p> <p>13 is that right?</p> <p>14 A Yes.</p> <p>15 Q Do you understand what's FEIN SEIN is?</p> <p>16 A I do.</p> <p>17 Q That's a check cashing license; isn't that</p> <p>18 right? Or at least the --</p> <p>19 A I know -- I'm aware of what it is. I'm</p> <p>20 aware that it's a tool used in financial investigations.</p> <p>21 Q And did you -- that's through -- that's</p> <p>22 an out growth of the effort on the part of the U.S.</p> <p>23 Government to take a closer look at cash and cash</p> <p>24 transactions, right?</p>	

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1 A One of the tools used.

2 Q And that in order to be in the business of

3 cashing checks for - - for a charge, these check-cashing

4 places that we see all over America, entities have to get a

5 license, do they not?

6 A My understanding they do, uh-huh.

7 Q Did you check to see whether they had a

8 license?

9 A I did not.

10 Q Do you recall that earlier today you

11 testified that they were - - "they" being either Louise or

12 Roger, was some how compliant in some illegal scheme by

13 virtue of having cashed checks? Wasn't that your

14 implication?

15 A What I was told by the financial people

16 that was working on the kick back scheme is that Uncle

17 Sam's Loans was not licensed to cash checks.

18 Q Okay. Now, here - -

19 A I -- let me finish.

20 Q All right. Go ahead.

21 A He -- they're -- they told me that. I'm

22 not a financial investigator. I took them at their word

23 that as far as I know, they're not licensed.

24 Q That'd be a good point. You took others at

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1 their word, correct?

2 A Well, this is a retired IRS agent --

3 Q I don't care who it is. You took that

4 person at his word; is that correct?

5 A I did.

6 Q Okay. As you've taken, like wise, Mr.

7 Ellis at his word; is that correct?

8 A Well, I -- I interviewed Mr. Ellis and I

9 confirmed much of what he told me with much of - - other

10 witnesses.

11 Q Okay. All right, sir.

12 MR. CAGLE: Let me - - let me have this

13 marked as - - are we going to 26? Is that the way we go or

14 --

15 HEARING EXAMINER: No, this will be --

16 MR. CAGLE: Oh, Licensee 1?

17 MR. LOWNEY: LX 1.

18 MR. CAGLE: LX?

19 HEARING EXAMINER: Uh-huh.

20 MR. CAGLE: Okay. LX 1. All right. If I

21 might pass that to the witness, please?

22 (WHEREUPON, the documents referred to

23 were marked for identification as LX

24 Exhibit No. 1 and 2.)

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1 MR. CAGLE (resuming):

2 Q Agent Cunningham, I'm asking that you take

3 a look at the second page of that which is now labeled LX

4 Exhibit 2.

5 A I've got pretty good eyes, but that's tough

6 to see.

7 Q Okay. Well, let me help you. In the lower

8 quadrant of the second page of LX 2, you'll see the name

9 Uncle Sam's Loans, Inc. Do you see that?

10 A I do.

11 Q Okay. Now, turn to the front - - first

12 page. You see the reference, albeit just as good as what

13 we got from the bank, but nevertheless, it's referring to

14 FEIN/SEIN, Financial Crimes Enforcement. Do you see that?

15 A I do.

16 Q All right, sir. Do you see the FAX from

17 LB&T back in June 5 of 2014; is that correct?

18 A Yes, sir.

19 Q Now, with regard to that, was it within

20 your knowledge and consistent with your investigation in

21 this matter to which you've earlier referred, that it is

22 the banking institutions that keep the records, at least in

23 part, as to the entities who are licensed to cash checks?

24 A I don't know if it's the banks. I know the

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1 banks keep records of the - - of the check transactions - -

2 of large cash transactions, but I don't know if they're --

3 Q So you didn't know that?

4 A Yeah, like - - I mean, like I told you, I

5 don't do financial investigations.

6 Q Okay. All right, that's fine. You didn't

7 know that?

8 A That's correct.

9 Q And with respect, you didn't look in to

10 whether or not Uncle Sam's had such a right to do business

11 which involved cashing checks and getting a fee based on

12 the amount of the check cashed, right?

13 A I had no need to.

14 Q Okay. Yet, you certainly have, in

15 investigations, been around the country and seen entities

16 on front that says "Check cashing here," right?

17 A Correct.

18 Q Okay. Do you agree that - - with the date

19 of June 5 of 2014, on the FAX statement from LB&T?

20 A That's what it says at the top of the page.

21 Q All right. Do you agree with at the bottom

22 of LX No. 1, it makes reference to FEIN/SEIN

23 Government/Financial Institution MSB?

24 A Yes, sir.

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1 Q Okay. All right. Let me pass that which  
 2 is Exhibit 2, LX Exhibit 2.  
 3 HEARING EXAMINER: LX Exhibit 1, consisting  
 4 of a photocopy of a document - - I'm having trouble reading  
 5 it, too, but appearing to be from FEIN/SEIN, the Financial  
 6 Crimes Enforcement. Two pages of a photocopy are hereby  
 7 accepted for entry into the record as - - from the  
 8 Government.  
 9 MR. LOWNEY: No objection.  
 10 (WHEREUPON, having been previously  
 11 marked for identification, LX Exhibit  
 12 No. 1 is received into evidence.)  
 13 HEARING EXAMINER: I have a question about  
 14 that.  
 15 MR. CAGLE: Yes, sir.  
 16 HEARING EXAMINER: Again, my eyes are not  
 17 that good any more, but in the extreme right-hand column,  
 18 does that describe the dates of when this license was in  
 19 effect?  
 20 MR. CAGLE: Well, the facts would indicate  
 21 it was in effect in 2014, but likewise, you're correct.  
 22 Those are dates as I understand it that would relate to the  
 23 current license that they were referring to.  
 24 HEARING EXAMINER: Do these dates then - -

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1 and, again, I apologize for not being able to see it very  
 2 well, but do they coincide with the period of the alleged  
 3 activities?  
 4 MR. CAGLE: They would actually - - our  
 5 testimony will be that at all times including that which  
 6 was No. 2, which is dated 2015, Uncle Sam's had such a  
 7 license. That's where we're going with it. I recognize  
 8 I'm starting with a witness who's not - - if I were in a  
 9 court of law, I'd be doing it another way, but I'm trying  
 10 to get - - as I can and make my point.  
 11 HEARING EXAMINER: Thank you, sir.  
 12 MR. CAGLE: Okay.  
 13 MR. CAGLE (resuming):  
 14 Q I want to show you that which is LX Exhibit  
 15 2, Mr. Cunningham, if you would, please.  
 16 (WHEREUPON, the documents referred to  
 17 were marked for identification as LX  
 18 Exhibit No. 2.)  
 19 MR. CAGLE (resuming):  
 20 A Okay.  
 21 Q Have you got?  
 22 A Yes, sir.  
 23 Q Okay. Do you know Gary Wilson?  
 24 A I do not.

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1 Q Do you know his wife?  
 2 A I don't think so.  
 3 Q Do you know the clerk in Judge Jonhston's  
 4 courtroom?  
 5 A I do. As a matter of fact, I do know Mr.  
 6 Wilson. Yes, I've met him.  
 7 Q Do you know him to be a president of a bank  
 8 in Logan County?  
 9 A I knew he worked at Logan Bank and Trust.  
 10 Q Okay.  
 11 A I didn't know his position.  
 12 Q So he certainly is a trustworthy  
 13 individual, is he not?  
 14 A I have no reason not to trust him.  
 15 Q Okay. And you see in there that - - that  
 16 they're - - "they" being Uncle Sam's had received a request  
 17 from - - on October 25th concerning a continuation of a  
 18 license for check cashing; do you not?  
 19 A Yes, sir.  
 20 MR. CAGLE: I would move the introduction of  
 21 LX 2.  
 22 HEARING EXAMINER: Licensee Exhibit No. 2,  
 23 consisting of a letter from Gary Wilson, President of Logan  
 24 Bank and Trust Bank dated October 15, 2015, is hereby

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1 accepted into the record as evidence, there being no  
 2 objection from the Government.  
 3 (WHEREUPON, having been previously  
 4 marked for identification, LX Exhibit  
 5 No. 2 is received into evidence.)  
 6 MR. CAGLE (resuming):  
 7 Q In your testimony, Agent Cunningham, you  
 8 reflected that you became familiar by interviewing Scott  
 9 Ellis with his association with - - with Uncle Sam's,  
 10 correct?  
 11 A Well, I became - - I came to interview  
 12 Scott Ellis because he had entered into a plea agreement  
 13 and was cooperating with the Government.  
 14 Q Right. Now, do you have - - well, do you  
 15 have available a copy of his interview - - or your  
 16 interview with him or would you get that, please?  
 17 A With Mr. Ellis?  
 18 Q Yes, Mr. Ellis. I think that's No. 9, I  
 19 believe, if I recollect.  
 20 A No, it's 10.  
 21 Q 10? Okay. All right. Let me find mine  
 22 now. Within the exhibit that's No. 10, Scott Edward Ellis,  
 23 can you show me at any point of where Mr. Ellis says or  
 24 mentions either Louise or Roger Muncy? Just show me the



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1 HEARING EXAMINER: Which number are we  
 2 looking at?  
 3 MR. CAGLE: Exhibit 10.  
 4 MR. LOWNEY: It's the interview with Mr.  
 5 Ellis.  
 6 A Paragraph 4.  
 7 Q All right. You see that he makes reference  
 8 to the check cashing, right?  
 9  
 10 A That's correct.  
 11 Q Okay. What is it that would corroborate  
 12 that either Mr. or Mrs. Muncy knew anything about any  
 13 purpose of the check that Mr. Ellis cashed?  
 14 A Mr. Ellis said, and I'll read what's in the  
 15 report. "Ellis related at this time Roger and Louise Muncy  
 16 were fully aware that Ellis needed a method to generate  
 17 cash flow in order to continue to secure work at the coal  
 18 mines."  
 19 Q Well, that's a broad statement by an  
 20 individual who's now convicted of a felony, correct?  
 21 A This is actually my statement. This isn't  
 22 a recorded interview. This is my statement of what Mr.  
 23 Ellis told me.  
 24 Q Well, again - - well, that - - you don't  
 25 know because you weren't there, do you?

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1 A That's correct.  
 2 Q That'd be a fair statement on all occasions  
 3 where your not involved. Right? You don't know of your  
 4 personal knowledge?  
 5 A Well, it's hearsay, absolutely.  
 6 Q You've been in a courtroom many times. You  
 7 understand that, do you not?  
 8 A Yes.  
 9 Q Now, with respect to that, Mr. Ellis, of  
 10 course, was cooperating because he had become what I would  
 11 call a Government snitch; isn't that right?  
 12 A Well, he entered into a plea agreement and  
 13 part of the plea agreement was to cooperate.  
 14 Q Okay. Do you know that Mr. Ellis - - did  
 15 you send Mr. Ellis up to bang on the Muncys door at night?  
 16 Did you know that?  
 17 A Did I? No, I did not.  
 18 Q Is it your understanding then that Mr.  
 19 Ellis was dealing in the check cashing scheme with the  
 20 Muncys; is that right?  
 21 A That was part - - that was part of it, yes.  
 22 That was - - and when you're saying, "the Muncys," are you  
 23 talking about them specifically --  
 24 Q Yeah, I'm talking about them specifically  
 25 as distinguished from the fellow we call Noodle, Mr.

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1 Adkins.  
 2 A From the checks, absolutely.  
 3 Q Okay. Did you know that Mr. Ellis had sued  
 4 Mr. Herndon, one of your other people?  
 5 A I did learn that in - - I don't remember if  
 6 it was the first or second interview.  
 7 Q Let me have this --  
 8 A But they were business partners at one  
 9 point. I knew that. They broke up.  
 10 Q That would be a nicer way to put it. They  
 11 were co-conspirators; isn't that right?  
 12 A Yeah, if the shoe fits --  
 13 Q Okay. Well, let me show that which is  
 14 Exhibit 3, which is an excerpt from a deposition that I  
 15 took from Mr. Ellis last year.  
 16 (WHEREUPON, the document referred to  
 17 was marked for identification as LX  
 18 Exhibit No. 3.)  
 19 MR. CAGLE (resuming):  
 20 Q Now, let me call your attention so we don't  
 21 spend a whole lot of time, to Page 136 of the transcript.  
 22 Do you see the name, "Noodle"? It should be on Line 20 of  
 23 Page 136. Do you see that?  
 24 A Yes, I do.  
 25 Q Okay. All right and just for the record,

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1 it says, "about Noodle, a guy that goes by the name  
 2 Noodle;" correct?  
 3 A Correct.  
 4 Q And do you see up just above that, so that  
 5 we get the idea of what we're talking about, Line 13, about  
 6 cashing checks and again on Line 16; do you see that?  
 7 A It says, "How about Uncle CD, if he can  
 8 cash checks," is what 13 says.  
 9 Q Yeah, I understand that. Trying to get the  
 10 context here. We're talking about cashing checks and then  
 11 I ask about Noodle on Line 20, did I not?  
 12 A That's what it appears, yes.  
 13 Q And what did he answer there on Line 22 and  
 14 23?  
 15 A 22, answered, "Yes, he works at Uncle  
 16 Sam's."  
 17 Q Okay.  
 18 A "He's cashed" --  
 19 Q You see on 137, Question: Did he do it  
 20 personally, that is Noodle?" Do you see that?  
 21 A I do.  
 22 Q And he said, "I wrote him a couple of  
 23 checks personally and I wrote checks through Uncle Sam's  
 24 which he cashed for them," right?  
 25 A That is correct.

<p>PROCEEDINGS Page 89</p> <p>1 Q Okay. And I said, "Noodle did that?" His                  2 answer: "Yes," right?                  3 A That's correct.                  4 Q He never mentions Mr. and Mrs. Muncy, did                  5 he?                  6 A Not in that line of questioning, he does                  7 not.                  8 Q Okay. So, again, all you've got is his                  9 word, correct, Mr. Ellis?                  10 A Concerning --                  11 Q Check cashing and some involvement in some                  12 scheme, right? That's not even --                  13 A Me, personally?                  14 Q Right.                  15 A Yes. And I wasn't investigating check                  16 cashing. I was investigating violations of gun control.                  17 Q Show me, then, what you say is the --                  18 well, the next paragraph. "Roger Muncy knew that Ellis was                  19 buying firearms for Red."                  20 A Which --                  21 Q Paragraph 5. What is that about?                  22 A Exhibit 10?                  23 Q Exhibit 10, Paragraph 5.                  24 A Okay. Now, I've read it. What's your                  25 question?</p>	<p>PROCEEDINGS Page 91</p> <p>1 A I'm not or sure because the list of                  2 firearms from Scotty Ellis would have the firearms that --                  3 we delineated the firearms that he knows he didn't get. So                  4 to answer your question, I'm really not sure.                  5 Q Well, okay, you want to look at those                  6 documents? Would that help you answer that?                  7 A We can take a shot at it.                  8 MR. LOWNEY: The list of firearms where Mr.                  9 Ellis indicated these are the ones he actually did purchase                  10 versus ones that were straw purchased was not --                  11 MR. CAGLE: Pardon?                  12 MR. LOWNEY: -- that was not included.                  13 A Well, then to answer your question, no, we                  14 did not.                  15 Q Thank you. Now, what evidence do you have                  16 and I'm here referring to Paragraph 8 of Exhibit 10, the                  17 Ellis interview, that some how Roger Muncy, before he                  18 started having health issues, started this scheme to                  19 traffic firearms?                  20 A The information came from -- Mr. Ellis                  21 would be one of them.                  22 Q Okay. Well --                  23 A But from my stand point, what I was                  24 investigating is 2003 was outside the statute of                  25 limitations, so I really wasn't looking -- well, not</p>
<p>PROCEEDINGS Page 90</p> <p>1 Q Well, who is -- did you speak with Red?                  2 A Never could identify who Red was.                  3 Q Okay. So there's no -- there's not even a                  4 document to indicate some transaction that would reflect                  5 wrongdoing certainly by anybody, much less Uncle Sam's or                  6 Red is there?                  7 A I wouldn't say that. There's --                  8 Q What document do you have?                  9 A Well, I'm thinking there'd be a 4473.                  10 Q I'm talking about today. This is the                  11 hearing today. Is there a document about Red whom you're                  12 not able to identify?                  13 A We didn't produce a document about Red. As                  14 far as I know, the only mention of Red is in this                  15 interview.                  16 Q All right. Next paragraph -- Atwell. Did                  17 you interview Mr. Atwell, said to be from the State of                  18 Virginia.                  19 A Now what was your question?                  20 Q Him as with Red. Did you locate and                  21 interview Mr. Atwell?                  22 A I did not.                  23 Q So there's no document related to that, is                  24 there? That you have produced. You produced a document                  25 today.</p>	<p>PROCEEDINGS Page 92</p> <p>1 really, I wasn't looking at that activity.                  2 Q Well, that'd be a fair point. There is no                  3 corroboration that this statement you attribute to Mr.                  4 Ellis, has been confirmed, corroborated or augmented by any                  5 information; isn't that correct?                  6 A It was provided to me by Mr. Ellis and if                  7 it wasn't -- I didn't expand upon it because it wasn't --                  8 it wasn't going to be something we was going to be able to                  9 charge.                  10 Q When did Mr. Muncy's health issues start as                  11 you understand?                  12 A I understand 2006, '07, somewhere around in                  13 there.                  14 Q Okay. Well, if I told you he'd had a                  15 stroke in 2004 and became disabled not long there after,                  16 declared disabled?                  17 A I wouldn't dispute that. I don't know. I                  18 mean, I know that it's been a while ago.                  19 Q Now, in Paragraph 10 you indicate that Mr.                  20 Ellis was contacted by Adkins, who recruited him to do                  21 business with Uncle Sam, right?                  22 A Give me a chance to read it.                  23 Q Okay. Paragraph 10 of Exhibit 10. You got                  24 that?                  25 A (Witness reviews document.) Yes, sir.</p>



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<p>1 MR. CAGLE (resuming):</p> <p>2 Q So your recollection of the interview is</p> <p>3 Ellis says Adkins, that is Noodle, contacted him and</p> <p>4 recruited him to come back and do business with Uncle</p> <p>5 Sam's?</p> <p>6 A That is correct.</p> <p>7 Q Okay. Now, as I understand your testimony</p> <p>8 and that which you write here in the interview, is that</p> <p>9 this fellow - - we're going to call Noodle, Adkins - - was</p> <p>10 accumulating firearms that were said to have been falsely -</p> <p>11 - said to have been purchased by Scotty Ellis, right?</p> <p>12 A In parts, yes.</p> <p>13 Q Okay. And that, in fact, they - - the</p> <p>14 firearms landed, I guess, in Adkins' residence, right?</p> <p>15 A Some of them did, yes.</p> <p>16 Q Okay. And none of them landed in Roger</p> <p>17 Muncy or Louise Muncy's house, did they?</p> <p>18 A None that I'm aware of.</p> <p>19 Q Okay. That's right. No investigation</p> <p>20 showed that they were some how - - you can't corroborate</p> <p>21 their complicity other than Noodle or some conjecture by</p> <p>22 Mr. Ellis; isn't that right?</p> <p>23 A Well, no I can. We've got the 4473s.</p> <p>24 We've got a number of witnesses that have corroborated they</p> <p>25 just filled out the forms and the guns went wherever. Mr.</p>		<p>1 hadn't been an owner, at least of any stock, for years,</p> <p>2 because of his disability, right? He's not really involved</p> <p>3 according to your investigation, is he?</p> <p>4 A He is not listed on the license. After the</p> <p>5 search warrant, Mr. Muncy is the one that called me,</p> <p>6 wanting to know when we could return his computer system.</p> <p>7 Q Sure, okay.</p> <p>8 A So to say he's not involved, I wouldn't - -</p> <p>9 I wouldn't go that far.</p> <p>10 Q Mr. Muncy is a man in ill health who</p> <p>11 started a business 41 years ago in a community that's</p> <p>12 failing on account of the lack of activity in the mines;</p> <p>13 isn't that a fair statement?</p> <p>14 A I think that's fair, yes.</p> <p>15 Q Okay. Now, do you have an occasion where -</p> <p>16 - and I'm not talking about your surmise, I'm talking about</p> <p>17 evidence. And by evidence I mean a document or an eye</p> <p>18 witness that said Louise Muncy was present when a phony</p> <p>19 straw purchase took place and a 4473 was filled out.</p> <p>20 A Again, her - - the transactions she - - she</p> <p>21 completed where she was purchasing firearms, she uses the</p> <p>22 same business address that is not their residential</p> <p>23 address.</p> <p>24 Q Okay. So you - - you quarrel with using</p> <p>25 200 Main Street on a document; is that what you're saying?</p>	
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<p>1 Noel told me he - - you know, he went with Mr. Adkins and</p> <p>2 delivered some of these guns. You know, so - - you know,</p> <p>3 for that to be a blanket statement that there's none - -</p> <p>4 Q Let's parse that, okay?</p> <p>5 A Okay.</p> <p>6 Q You've been very broad in your accusations</p> <p>7 so let's parse it to where the personal knowledge, not bald</p> <p>8 accusations, okay? Do you have any occasion in which Roger</p> <p>9 Muncy or Louise Muncy was said to be there when a 4473 was</p> <p>10 filled out illegally?</p> <p>11 A No, I don't have any interviews that - -</p> <p>12 took that people specifically named those two as being</p> <p>13 there, but Mrs. Muncy is the licensee.</p> <p>14 Q We got that and we're going to get to this,</p> <p>15 okay. This is about what remedy, okay? Now, you don't - -</p> <p>16 so I'm correct: Mr. Muncy was - - is disabled from a</p> <p>17 stroke as far as you know or I know, right?</p> <p>18 A That's correct.</p> <p>19 Q Okay. You don't have him overlooking some</p> <p>20 filling out of a phony straw purchase on a 4473, do you?</p> <p>21 A The only transactions I'm aware of that Mr.</p> <p>22 Muncy would have participated in that were illegal would be</p> <p>23 the transactions where he listed his residential address as</p> <p>24 200 Main Street.</p> <p>25 Q Okay. So let - - of course, Roger Muncy</p>		<p>1 A The 4473 says, "Residential Address."</p> <p>2 Q Okay. Show me which document you're</p> <p>3 referring to.</p> <p>4 A There's not one here.</p> <p>5 Q So is it part of the evidence in this case</p> <p>6 that you say you rely on is not in the record before this</p> <p>7 Hearing Officer, is it?</p> <p>8 A It's in my investigation that I found. Was</p> <p>9 it cited in this? No.</p> <p>10 Q And that is a point. There is no document</p> <p>11 here today that has what you now are relying on, is there?</p> <p>12 A I'm relying on my statement on - - is what</p> <p>13 - - the information I derived in my investigation. Now,</p> <p>14 whether it's been entered into the evidence? No, it</p> <p>15 wasn't, but you're saying that it's -- you know, there's no</p> <p>16 document. That's not true. There is a document. I think,</p> <p>17 you know, at least for Roger Muncy, each time he did that</p> <p>18 is a felony because he's not the FFL.</p> <p>19 Q Okay, so you're now calling Mr. Muncy a</p> <p>20 felon, right?</p> <p>21 A No, I'm not.</p> <p>22 Q Let's talk about the common denominator in</p> <p>23 these individuals that are named here, okay? Shane Noel,</p> <p>24 okay, who's here today. Were all of his transactions that</p> <p>25 you rely upon or that are being relied upon, in the</p>	

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<p>1 allegations made which bring this to hearing? All of those</p> <p>2 were done with Noodle Adkins; isn't that right?</p> <p>3 A I'd have to look at the 4473s.</p> <p>4 Q Well, you take your time and look at them,</p> <p>5 then, okay?</p> <p>6 A (Witness reviews document.) The answer to</p> <p>7 your question is no. (Inaudible) Mr. Muncy was not involved</p> <p>8 in this</p> <p>9 Q Okay. Which ones was Louise Muncy involved</p> <p>10 in, other than the Government's, other than that?</p> <p>11 A I don't have any 4473s where Louise Muncy</p> <p>12 certified that she signed these.</p> <p>13 Q And a lot of those where you say that a</p> <p>14 person or persons other than Noodle Adkins was involved,</p> <p>15 where - - you've got other employees that signed the form;</p> <p>16 is that what you're referring to?</p> <p>17 A Yes, sir.</p> <p>18 Q Okay. Did you ever interview those people?</p> <p>19 A Yes.</p> <p>20 Q Okay. Did they not tell you in the</p> <p>21 interviews that what Adkins would do and say, "Here, sign</p> <p>22 this," and as manager, he'd make them sign?</p> <p>23 A There was - - there was times I was told</p> <p>24 that. I won't say specifically each one of these, but I</p> <p>25 think that was fairly common practice.</p>	<p>1 i.e., he's negotiating a plea, right?</p> <p>2 A He - - we were in plea negotiations and</p> <p>3 before we tendered the plea, we wanted to proffer about</p> <p>4 what he knew.</p> <p>5 Q And then - - you then get the information.</p> <p>6 It leads to the narrative that's set forth in his - -</p> <p>7 Exhibit 9, right?</p> <p>8 A Exhibit 9 is the two different interviews</p> <p>9 of Mr. Adkins, correct.</p> <p>10 Q So did the second, a later interview, take</p> <p>11 place on the same day as the proffer or not?</p> <p>12 A There was one interview on August the 20th,</p> <p>13 2015, and the subsequent interview - - make sure - - the</p> <p>14 second interview was January 20th of 2016.</p> <p>15 Q Was that - - again, was that attendant to</p> <p>16 the proffer?</p> <p>17 A That is correct.</p> <p>18 Q Okay. That's what it says in Paragraph 1.</p> <p>19 A Yes, sir.</p> <p>20 Q All right. Now, so at that point, you</p> <p>21 collect the information that you rely on today in your</p> <p>22 presentation on behalf of the ATF; is that right?</p> <p>23 A In part.</p> <p>24 Q Okay. Is Mr. Noodle Adkins incarcerated</p> <p>25 yet?</p>
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<p>1 Q Okay. So the central figure, you would</p> <p>2 have to agree with me, is Noodle Adkins in this whole</p> <p>3 affair that brings us here today; isn't that right?</p> <p>4 A He is a key player in it, yes, absolutely.</p> <p>5 Q Okay. Noodle Adkins, as you indicated was</p> <p>6 interviewed twice, right?</p> <p>7 A Correct.</p> <p>8 Q The first time, he didn't say anything</p> <p>9 about anybody, including himself; isn't that right?</p> <p>10 A In a nutshell, that's correct.</p> <p>11 Q I mean, he didn't say, "I did these</p> <p>12 things." In fact, he denied every even knowing - - I</p> <p>13 shouldn't say knowing, but never being involved in what</p> <p>14 we'd call a straw purchase, right?</p> <p>15 A That would be correct, for the most part.</p> <p>16 Q Then, afterwards, the second interview took</p> <p>17 place subsequent to his having negotiated a deal with the</p> <p>18 Government, correct?</p> <p>19 A It was in the midst of plea negotiations.</p> <p>20 Q Okay, in what was done in what we call a</p> <p>21 proffer, is that correct?</p> <p>22 A That is correct.</p> <p>23 Q Okay, so you - - so then, we have the</p> <p>24 situation where this boy's situation, vis-a-vis the U.S.</p> <p>25 Government, is now taking a turn, a rather dramatic turn,</p>	<p>1 A He's been sentenced. I'm not sure - - he</p> <p>2 was allowed to self report. I don't know if he self-</p> <p>3 reported yet or not.</p> <p>4 Q Did you try to get him to come here today</p> <p>5 and testify?</p> <p>6 A I didn't.</p> <p>7 Q All right. Let's go back to where we</p> <p>8 started. We got to Shane Noel. Okay, Brian West, who</p> <p>9 likewise is here today. Is there any transaction of Brian</p> <p>10 West that doesn't involve our friend, Noodle Adkins?</p> <p>11 A Give me a second to look over the 4473s.</p> <p>12 (Witness reviews documents.) There's other employees, not</p> <p>13 just him (inaudible).</p> <p>14 Q Okay.</p> <p>15 A Shawn's story - -</p> <p>16 HEARING EXAMINER: Which exhibit are you</p> <p>17 looking at?</p> <p>18 THE WITNESS: Excuse me?</p> <p>19 MR. LOWNEY: It's exhibit --</p> <p>20 HEARING EXAMINER: Which exhibit are you</p> <p>21 looking at?</p> <p>22 MR. CAGLE: Exhibit 1. Well, I'm looking</p> <p>23 at Exhibit 1.</p> <p>24 MR. LOWNEY: He's looking at what, 6?</p> <p>25 HEARING EXAMINER: Is that - -</p>

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1 THE WITNESS: Yes, sir.  
 2 MR. LOWNEY: Just to see who the employee  
 3 was that signed the form.  
 4 MR. CAGLE (resuming):  
 5 Q None of those employees are named Muncy,  
 6 are they?  
 7 A No, sir, they're not.  
 8 Q Okay. Is that likewise true of the next  
 9 individual named, Christina Deer?  
 10 A The question is that none of the employees  
 11 names are Muncy?  
 12 Q That's right.  
 13 A That is correct. None of the employees  
 14 signing the 4473s last name is Muncy.  
 15 Q And as I understand it, Christina Deer was  
 16 dating a fellow who was a friend of Noodle Adkins; isn't  
 17 that right?  
 18 A At the time, that's correct.  
 19 Q Okay. So, then, the connection is Mr.  
 20 Adkins; isn't that right?  
 21 A That would be correct.  
 22 Q This Christina Deer, is that the woman or  
 23 was the next woman who simply got a phone call to, "Come  
 24 down, I want you to sign something"?  
 25 A Christina Deer told me that she just got a

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1 phone call asking her to run down to the store and fill out  
 2 a form and she got in the car and drove down there and  
 3 filled out the form.  
 4 Q And you, of course, said as a good  
 5 interviewer, "From whom did you get the phone call"?  
 6 A That is correct.  
 7 Q And that person would have been Noodle  
 8 Adkins?  
 9 A I think she told me it was Doug Cook, but  
 10 she -- she said Doug was -- he was her boyfriend, but who  
 11 -- but he was at Uncle Sam's at the time.  
 12 Q But he's not an employee?  
 13 A No, he's not.  
 14 Q So you've got Noodle getting his friend,  
 15 Doug Cook, to call Christina to come own and sign a form,  
 16 right?  
 17 A Yes, that -- I hate to tell you for sure  
 18 on it. It was either Doug Cook was there with Noodle when  
 19 Noodle called or Noodle was there with Doug Cook and he got  
 20 Doug Cook to call her. One of the two of them called her  
 21 and she went down there and filled out the form.  
 22 Q Okay. Let's see. Let's take a second and  
 23 see if I've -- okay, Exhibit 4 which is the plea -- or  
 24 the indictment is the first page.  
 25 HEARING EXAMINER: We haven't accepted your

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1 Exhibit 3 yet, I don't think.  
 2 MR. CAGLE: Oh, I would move it's  
 3 admission. Thank you for the reminder. I got carried away  
 4 there.  
 5 HEARING EXAMINER: Licensee Exhibit 3,  
 6 consisting of a recordation in the matter of Scott Ellis,  
 7 et al., versus Stephen B. Herndon, prepared by a known  
 8 certified court reporter is hereby accepted for entry into  
 9 the record if the Government has no objections.  
 10 MR. LOWNEY: No objections.  
 11 (WHEREUPON, having been previously  
 12 marked for identification, LX Exhibit  
 13 No. 3 is received into evidence.)  
 14 MR. LOWNEY: Exhibit 4 is the indictment  
 15 and the subsequent plea --  
 16 MR. CAGLE: That's right. I got them  
 17 transposed. Let me take a second.  
 18 MR. CAGLE (resuming):  
 19 Q I take it that Steven Adkins was not  
 20 charged with any crime that -- operating just sort of a  
 21 rogue gun store out of his residence; is that right?  
 22 A He -- was he charged with it?  
 23 Q Yeah.  
 24 A No.  
 25 Q He did it, didn't he?

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1 A Oh, I don't doubt that. I don't doubt it  
 2 and I don't -- I just make the recommendations. The U.S.  
 3 Attorney's office is the one the charges them.  
 4 Q Yeah.  
 5 A I learned that a long time ago.  
 6 Q How many guns could you trace that Mr.  
 7 Noodle Adkins took as his own from Mr. Ellis, being the  
 8 person identified in the 4473s. Did you say 40?  
 9 A I don't understand your question.  
 10 Q Okay. All right. You mentioned the number  
 11 40 firearms in connection with Mr. Ellis.  
 12 A Correct.  
 13 Q Okay. And when I say, "in connection," I'm  
 14 talking about the -- the Noodle Adkins/Scott Ellis  
 15 connection, okay?  
 16 A Yeah. And I may be able to clarify that.  
 17 There's a list of all the firearms that Ellis purchased  
 18 that I got from his 4473s and Ellis and I reviewed those --  
 19 -- that list and he marked the ones that were definitely  
 20 firearms he bought for himself. And he marked the ones  
 21 that he just couldn't afford.  
 22 Q And as I recall your interview as I read it  
 23 a couple of nights ago, that in fact, that included time  
 24 when Ellis went to the Noodle Adkins house with a firearm;  
 25 is that right?

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<p>1 A There was one occasion where Ellis told me</p> <p>2 he went and purchased a shot gun from Adkins at Adkins'</p> <p>3 house.</p> <p>4 Q Okay. All right. And I take it there's no</p> <p>5 4473 on that is there?</p> <p>6 A There would not be, no.</p> <p>7 Q. All right. Let me ask you to turn to the</p> <p>8 last attachment to that which is Exhibit 4 and that would</p> <p>9 be Stipulation of Facts, correct? See that?</p> <p>10 A The Exhibit A, correct?</p> <p>11 Q Right.</p> <p>12 A Yes, Stipulation of Facts.</p> <p>13 Q Now, as I read it, it begins with a</p> <p>14 background that indicates that Mr. Adkins was not listed</p> <p>15 under the - - on the FFL of responsible persons; did you</p> <p>16 read that?</p> <p>17 A At this time, that's correct, yes.</p> <p>18 Q Okay. Who is - - in the second paragraph,</p> <p>19 who is the "known person" you referred to?</p> <p>20 A Shane Noel.</p> <p>21 Q Okay. And the transaction - - or the plea</p> <p>22 is predicated upon Shane's having been a drug user; is that</p> <p>23 correct?</p> <p>24 A Yes. Well, let me back up. Let me make</p> <p>25 sure.</p>		<p>1 MR. CAGLE (resuming):</p> <p>2 Q The second actual transferee was the</p> <p>3 question.</p> <p>4 A Hold on. He owns a daggone coal mine.</p> <p>5 Q Well, you can just describe him generally.</p> <p>6 That's alright. Is it some mine owner?</p> <p>7 A He lives on Cub Creek in Wyoming County.</p> <p>8 Let's see. Everett Gordon Justice.</p> <p>9 Q Okay. Now --</p> <p>10 A Gordon Justice.</p> <p>11 Q -- I have to note, just looking at the</p> <p>12 substance of Paragraph No. 3, that it starts with Noodle</p> <p>13 telling a person to drive his vehicle behind Uncle Sam's,</p> <p>14 right?</p> <p>15 A Correct.</p> <p>16 Q Okay. In other words, referring to pretty</p> <p>17 furtive act; isn't that correct?</p> <p>18 A Seems like a key conspiratorial act.</p> <p>19 Q Okay. And then they go, as you say, to</p> <p>20 another county - Wyoming County, West Virginia - to the</p> <p>21 home of a person, correct?</p> <p>22 A That's correct.</p> <p>23 Q What is your understanding of the time when</p> <p>24 Noodle Adkins was given the option, the ability to buy in</p> <p>25 to a piece of ownership of the business that this man</p>	
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<p>1 Q Yeah, I'm still on that and I'm just going</p> <p>2 to jump to a later paragraph under "Offense Conduct."</p> <p>3 A "It was a violation of USC 924(a)(1)(A), by</p> <p>4 a person known to the Grand Jury. The known person is</p> <p>5 Shane Noel and that the Defendant, Steven Adkins, directed</p> <p>6 and induced a known person to make false statements and</p> <p>7 representations with respect to the information required by</p> <p>8 Chapter 44, Title 18, United States Code."</p> <p>9 Q Okay. And the falsehood was that Mr. Noel</p> <p>10 indicated "No" to - - in reference addiction or drugs,</p> <p>11 right?</p> <p>12 A Yes, and the - -</p> <p>13 MR. LOWNEY: And the fact that he was the</p> <p>14 actual purchaser of the firearm.</p> <p>15 MR. CAGLE (resuming):</p> <p>16 Q And the fact that he wasn't going to buy -</p> <p>17 - he wasn't buying the gun.</p> <p>18 A That's correct.</p> <p>19 Q Who is the second actual transferee</p> <p>20 referred to what I'll call the an ultimate paragraph there</p> <p>21 on Page 3?</p> <p>22 MR. LOWNEY: It's the Stipulation, second to</p> <p>23 last paragraph.</p> <p>24 THE WITNESS: The known person or the known</p> <p>25 --</p>		<p>1 started 41 years ago; do you know?</p> <p>2 A I believe it was August 2014 when Adkins</p> <p>3 was listed as a Licensee.</p> <p>4 Q And Mr. Adkins, at least as it would relate</p> <p>5 to the allegations here, a gun - - the activities, at least</p> <p>6 relied on here as early as July of 2009; is that right?</p> <p>7 A Which one are you speaking of?</p> <p>8 Q I'm just looking at the accusations of</p> <p>9 Shane Noel, 7-10-09.</p> <p>10 A Yes - - rephrase your question?</p> <p>11 Q Okay. Did Mr. Noodle Adkins have a gun in</p> <p>12 the activities that lead us here today as early as July of</p> <p>13 2009?</p> <p>14 A That is correct.</p> <p>15 Q Now then, bracketing the dates there, the</p> <p>16 latest you have there is Brian West in - - let's see, in</p> <p>17 March of 2013; am I right?</p> <p>18 A March 22nd.</p> <p>19 Q Okay. Just one more line of inquiry here.</p> <p>20 Let me have you turn to Exhibit 16, if you would and that's</p> <p>21 Stephen Herndon. Just a second.</p> <p>22 Q (Witness reviews document.) Look in</p> <p>23 Paragraph 4 on Exhibit 16, Mr. Herndon's interview or your</p> <p>24 notes of that interview. Do you agree with me that Stephen</p> <p>25 Herndon tells you he'd only been to Uncle Sam's a few</p>	

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1 times, right?

2 A That's what he told me, yes.

3 Q And he refers to Scott Ellis as being a

4 person who would routinely go to Uncle Sam's, right?

5 A That's correct.

6 Q Show me in the Herndon-related Exhibit No.

7 16 where you say -- or you rely upon to say that Mr.

8 Herndon engaged in some illegal act with Uncle Sam's.

9 A (Witness reviews document.) So your

10 question is?

11 Q I don't see any -- I'll make a statement

12 and you can agree or disagree: I don't see anything in here

13 where Stephen Herndon says that he, Stephen Herndon,

14 engaged in some illegal activity whether it be guns or

15 whether it be check cashing with Uncle Sam's.

16 A He -- he talks about cashing checks -- or

17 people cashing checks there and he talks about Steven

18 Adkins running a business out of his house, selling the

19 same stuff that was at Uncle Sam's for cheaper or less

20 price. Talks about people going to Uncle Sam's and getting

21 money to pay their kick back.

22 Q Well, we've all talked about that but now

23 the rubber hits the road. Tell me what transaction Stephen

24 Herndon says in here that he engaged in that was some how

25 illegal with Uncle Sam's.

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1 A It doesn't. He talks about his business

2 partner.

3 Q That's right. Me and you have talked about

4 the business partner and we've gone over that. That's

5 Scott Ellis, right?

6 A Correct.

7 MR. CAGLE: Let's see. Just let me have one

8 second to make sure I don't have something else. I think

9 that's all. Thank you.

10 THE WITNESS: Yes, sir.

11 HEARING EXAMINER: Does the Government have

12 any redirect?

13 MR. LOWNY: Just very briefly.

14 REDIRECT EXAMINATION

15 BY MR. LOWNY:

16 Q When -- the second time you interviewed

17 Mr. Adkins which was in the part of the process where he

18 was going to enter a plea agreement and as a result started

19 cooperating as far as information he was providing, he gave

20 you some fairly specific detailed information about the way

21 the cash and the matter of the business worked; did he not?

22 A He did.

23 Q And he had worked at the business for many

24 years, correct?

25 A That's correct.

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1 Q And he's not the only employee that

2 indicated he was paid under the table; is that correct?

3 A That's correct.

4 MR. LOWNY: That's all I have.

5 RE-CROSS EXAMINATION

6 BY MR. CAGLE:

7 Q Are you seeking to take Uncle Sam's license

8 on the basis of payment under the table, I guess, some IRS

9 matters?

10 A Are you asking me that question?

11 Q Yeah, I'm asking you that question.

12 A Sir, I'm not the one that makes that

13 decision whether the ATF takes a license or not. I just

14 conducted an investigation and documented what I found.

15 MR. CAGLE: That's all I have of this

16 witness.

17 HEARING EXAMINER: At this point, the

18 Licensee can make it's own presentation.

19 MR. CAGLE: Okay.

20 HEARING EXAMINER: I'd like to ask --

21 however, it's 12:35. Would you want to take lunch or do

22 you want to go through lunch? Are you ready to make your

23 presentation?

24 MR. CAGLE: I'm ready to make my

25 presentation, but Roger's also, among other things, a

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1 diabetic and I want to get him out of here.

2 HEARING EXAMINER: Does he need to --

3 MR. CAGLE: Do you need to get something?

4 MR. MUNCY: I'm alright.

5 MR. CAGLE: You okay? You know, I'm not

6 insensitive to that. Other than that, I'd just as soon go.

7 HEARING EXAMINER: Okay.

8 MR. CAGLE: I've got people I've got to

9 talk to in other parts of town.

10 HEARING EXAMINER: Please proceed.

11 MR. LOWNY: It's okay.

12 MR. CAGLE: How about Shane? Do you want

13 him to come up here? Would that make --

14 HEARING EXAMINER: That would be a lot

15 better.

16 MR. CAGLE: Go down to the end of the

17 table, would you?

18 S H A N E N O E L,

19 having been called to tell the truth, testified as

20 follows:

21 DIRECT EXAMINATION

22 BY MR. CAGLE:

23 Q Your full name for the record, please?

24 A Shane Tyler Noel.

25 Q Okay. Shane, you're the individual



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1 referred to earlier in this case by Agent Cunningham,  
2 correct?  
3 A Yes.  
4 Q And you were interviewed by him in July of  
5 last year; is that right?  
6 A Yes.  
7 Q Okay. Where do you reside?  
8 A I live at home with parents right now.  
9 Q Were you -- are you familiar with Louise  
10 and Roger Muncy?  
11 A Yes.  
12 Q And I take it you have acknowledged some  
13 involvement with this person we're referring to as Noodle  
14 Adkins, right?  
15 A Yeah.  
16 Q Okay. Can you tell the Hearing Examiner -  
17 - just cut to the chase were you ever involved with Louise  
18 or Roger for that matter --  
19 A No.  
20 Q -- in any illegal transaction involving  
21 straw purchases of firearms?  
22 A No, it was always just Noodle by himself.  
23 Q How did that come about that you got  
24 involved?  
25 A I had started hanging out there with Noodle

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1 you were, right?  
2 A Yea.  
3 Q Tell this Hearing Examiner with what, you  
4 know, what frequency you recall Roger being there at any  
5 time you were dealing with Noodle in some straw purchase?  
6 A Most of the time I would say Roger was  
7 never there because he was usually -- at that point in  
8 time, he was pretty sick. If you saw Roger there, it might  
9 have been maybe once a month, if that much, I would say.  
10 Q Roger would -- and if he's there, he's  
11 just sitting up there --  
12 A Yeah, up front in a rocking chair.  
13 Q Okay. Would it be fair to -- no offense,  
14 Roger -- sort of a Wal-Mart greeter if he's there?  
15 A Yeah.  
16 Q Okay. Roger's well-known in the community,  
17 well-liked and he's a fixture, correct?  
18 A Right.  
19 Q Just as the chief of police described him,  
20 right?  
21 A Yes.  
22 Q Now, same question with respect to Louise.  
23 Where would she be?  
24 A If she was there, when I done it, she would  
25 be -- probably up front at the cash register.

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1 and stuff, going hunting with him and things like that and  
2 then started hanging out at the store and one day he just  
3 asked me if I would fill out a gun form for him.  
4 Q Do you -- was there any occasion when you  
5 filled out a gun form as you say, is there any occasion  
6 when either of the Muncys was involved?  
7 A No.  
8 Q Was there any -- were they standing  
9 around? Were they observing any transaction that we would  
10 call a straw transaction?  
11 A No.  
12 Q Do you recall the layout of the premises of  
13 Uncle Sam's?  
14 A Yeah.  
15 Q You've been in there.  
16 A Right.  
17 Q Okay. Is that sort of a popular place for  
18 folks to go?  
19 A I'd say they get business during the day,  
20 but not a whole, whole lot.  
21 Q Okay. So --  
22 A It's not a -- there's not always a bunch  
23 of people in there, no.  
24 Q Okay. Now, so you would know if you were  
25 in there whether or not Roger was there at any time that

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1 Q What kind of activity did you see Louise  
2 engaged in when you were in Uncle Sam's?  
3 A Usually, she just checked people out or was  
4 just -- a lot of times she would go to the jewelry  
5 counter, but that was about it.  
6 Q So her area was jewelry and cash register;  
7 is that right?  
8 A Yeah.  
9 Q Okay. All right. And you had been candid  
10 with -- in your interviews with the AFT, I take it?  
11 A Right.  
12 Q Right? You testified in front of the Grand  
13 Jury?  
14 A No, sir.  
15 Q Okay. You acknowledge having given this  
16 statement to Agent Cunningham?  
17 A Yeah.  
18 Q Okay. You and I looked at it before,  
19 during the break here.  
20 A Right.  
21 Q Okay. And you recognize and indicate that  
22 that's relatively accurate portrayal of your interview?  
23 A Right.  
24 Q Is it fair to say that it was always Noodle  
25 Adkins that got you involved in this?

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1 A Yeah.

2 Q Okay. Do you know whether he was operating

3 out of his house?

4 A Yeah.

5 Q What was he doing, stealing this stuff? Is

6 that the essence of what he was doing? Putting it in

7 people's names, taking it out, selling it out of his house

8 to other people?

9 A Yeah, for the most part. He would take and

10 a lot of times out the back door or just take them home

11 with him or whatever and then sell them later.

12 Q Okay.

13 A Or even, later that evening.

14 Q Were you in that transaction that Noodle

15 pleaded to that I was reading about --

16 A Yeah.

17 Q -- with the fellow in Wyoming County?

18 A Yeah.

19 Q No indication that either of the Muncys had

20 any idea what he was doing?

21 A No, they didn't.

22 MR. CAGLE: Nothing further.

23 HEARING EXAMINER: Does the Government have

24 any questions of this witness?

25 MR. LOWNEY: Sure.

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1 CROSS-EXAMINATION

2 BY MR. LOWNEY:

3 Q Mr. Noel, have you ever worked at the

4 store?

5 A No, sir.

6 Q Okay. I guess, what is your relationship

7 with the Muncys?

8 A I just -- I've known Roger most of my

9 life, but I just become friends with them through Noodle,

10 just got to know them from where I was with him so much

11 probably for two years. Maybe longer than that, I really

12 don't know.

13 Q And to your knowledge - and you may not

14 know this - were other employees that were in the store

15 during these transactions with you and Adkins and firearms,

16 were other employees aware what was going on or maybe even

17 signed some of the forms?

18 A I would say at the beginning of it,

19 probably no. But I would say through some of it, I know

20 Clifford had to know because of his girlfriend when he

21 worked there. But most of the other ones, I didn't -- I

22 don't think Noodle would ask or stuff a lot of times. Most

23 times, if I done a gun form, it was with Noodle. I think

24 Clifford might have done one or two, if that. But most of

25 it was through Noodle.

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1 Q And when you were filling out the form to,

2 you know, so that the guns would apparently go to him, was

3 there -- were you paying for the firearms or was he giving

4 you -- what was the cash asked for that, if anything?

5 A He was actually supposed to give me like

6 \$50 each time I done it, but he never did.

7 Q Okay. As to the guns themselves, if you're

8 purchasing a few guns and they cost X amount at the store,

9 was -- you know, was he depositing --

10 A Somebody would --

11 Q -- money for those guns --

12 A -- come in and pay for them or he would pay

13 for them or a lot of times, he would take care of that. He

14 would -- I'd fill out the gun form a lot of times and he

15 would say, you know, "Take these guns out and put them in

16 your truck and when we get off work, we'll take them to the

17 house," or take them wherever we had to take them to.

18 Q Yeah, but I guess what I'm trying to get

19 at, is at least to your knowledge, was he, you know, paying

20 the store for those guns or just simply stealing them?

21 A A lot of times he would take them before

22 they were paid for and then he would receive payment later

23 and then pay for the guns.

24 Q So put money back into the store --

25 A Right.

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1 Q -- or register or whatever.

2 A Right.

3 Q And during the course of these transactions

4 when you filling out the form, you acknowledge when you're

5 indicating you were the actual purchaser, that that was not

6 the case?

7 A Right.

8 Q And also on the part of the form where you

9 were to indicate that you were not somebody that was

10 illegally using controlled substances, that was also false?

11 A Yes, sir.

12 Q Were -- did you ever take -- did you ever

13 own any of these firearms or did --

14 A There's some, I think, that I bought myself

15 when I was still working and stuff before I got a problem.

16 Most of the later ones, I think, were all straw purchases.

17 Q Once the purchases were completed, you

18 know, would you take the guns out of the store and bring

19 them to him or how did that typically -- the way it

20 typically worked, how did that work?

21 A A lot of the times, he would have me just

22 take them out and put it in my truck and then I would stay

23 there till he got off work and then we would leave in my

24 truck a lot of times or I would meet him at his house and

25 pick him up or something -- meet him there and get in his



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1 truck and take him to wherever, whatever.  
2 Q To your knowledge, he was selling those or  
3 many of them?  
4 A Yeah.  
5 MR. LOWNEY: That's all I have.  
6 REDIRECT EXAMINATION  
7 BY MR. CAGLE:  
8 Q Now, you mentioned Clifford Mullins.  
9 That's the fellow that the Muncys fired, wasn't it?  
10 A Yes, sir.  
11 MR. CAGLE: Okay. Thank you.  
12 MR. LOWNEY: I don't have anything.  
13 MR. CAGLE: Okay. What about Mr. West.  
14 B R I A N W E S T,  
15 having been called to tell the truth, testified as  
16 follows:  
17 DIRECT EXAMINATION  
18 BY MR. CAGLE:  
19 Q State your full name, please.  
20 A Brian Allen West.  
21 Q Okay. Mr. West, as I asked Shane a moment  
22 ago, you gave a statement to Agent Cunningham, right?  
23 A Yes, sir.  
24 Q And you would stand by that statement?  
25 A Yes, sir.

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1 Q Okay. Now, what was your relationship to  
2 Noodle?  
3 A He was my brother-in-law.  
4 Q Is he still?  
5 A No.  
6 Q He and your sister divorced, right?  
7 A Yes, sir.  
8 Q Now, with regard to how you became  
9 involved, who contacted you to say, "I want you to sign  
10 some documents"?  
11 A Noodle.  
12 HEARING EXAMINER: Do we need a recess?  
13 MR. CAGLE: Why don't we do that.  
14 MR. LOWNEY: Sure.  
15 MR. CAGLE: For his comfort so we don't have  
16 to worry about him.  
17 HEARING EXAMINER: We'll take a short  
18 recess. The time is approximately 10 minutes to 1:00.  
19 We're taking a short recess.  
20 (A brief recess was had, after which the  
21 proceeding continued as follows:)  
22 HEARING EXAMINER: The time is approximately  
23 12:55. We're back on the record.  
24 MR. CAGLE (resuming):  
25 Q Mr. West, I think I asked you something

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1 about your relationship to Noodle, right?  
2 A Yes, sir.  
3 Q Your former brother-in-law. How -- just  
4 tell the Hearing Examiner how it was that you became  
5 involved in what we have called illegal or straw purchases.  
6 A He called me and asked me to come down to  
7 the store and fill out papers.  
8 Q Who called you?  
9 A Noodle.  
10 Q Noodle. Okay. Was that at a time when he  
11 was still married and living with your sister?  
12 A Yes, sir.  
13 Q All right. And I take it you did that?  
14 A Yes, sir.  
15 Q Did he tell you when he called you what it  
16 was?  
17 A No, he just asked me to come to the store.  
18 Q All right. Did he pay you for doing that?  
19 A Yes, he did. He paid me \$20.  
20 Q At that time, were you living -- where  
21 were you living?  
22 A I was living at the Town of Man Fire  
23 Department.  
24 Q Is that where you still live?  
25 A Yes, sir.

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1 Q Okay. You didn't otherwise have a home; is  
2 that right?  
3 A That's right.  
4 Q So Noodle recruits you for \$20 --  
5 A Yes, sir.  
6 Q -- to do this? Okay. Now, let me ask you,  
7 then, whether at any time that a transaction of this nature  
8 - and I'll call it straw transaction. You know what I'm  
9 talking about?  
10 A Yes, sir.  
11 Q Okay. An illegal transaction. At any time  
12 that you were at Uncle Sam's for that purpose, was either  
13 of the Muncys involved in the transaction in any way?  
14 A No, they wasn't.  
15 Q Were they present so that they could see  
16 what was going on --  
17 A No.  
18 Q -- or hear what was said?  
19 A No.  
20 Q At any time?  
21 A Not -- no.  
22 Q Now, with what frequency would you have  
23 gone in to Uncle Sam's since your brother-in-law was there?  
24 A I'd go in at least may two, three times a  
25 week.

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1 Q When you would go in, with what frequency  
 2 would you see Roger Muncy?  
 3 A Not too often.  
 4 Q Okay. You knew Roger before.  
 5 A Yes, sir.  
 6 Q Do you agree that Roger's sort of a well-  
 7 known fixture in this small town of Man?  
 8 A Yes, sir.  
 9 Q Okay. Now, about Louise, what would she be  
 10 doing and would you see her --  
 11 A When I --  
 12 Q -- and with what frequency?  
 13 A When I did see her, she'd be standing at  
 14 the register or at the jewelry counter.  
 15 Q I mean that's - - you agree with Shane on  
 16 that?  
 17 A Yes, sir.  
 18 Q That's Louise's thing, right?  
 19 A Yes, sir.  
 20  
 21 Q Okay. She's not - - she's not involved in  
 22 the - - in filling out the forms or doing the --  
 23 A No. No.  
 24 Q -- jewelry and stuff?  
 25 A Right.

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1 Q What was your understanding of your former  
 2 brother-in-law Noodle's interest in Uncle Sam's based on  
 3 what he told you? What'd you understand his relationship  
 4 was?  
 5 A He would just work there and he - - there  
 6 at one time, he said he was going to try to own the store.  
 7 Q Okay. Were the Muncys being good to him?  
 8 A Oh, yeah, they was good to him. Roger  
 9 treated Noodle like his own son.  
 10 Q Okay. When did you first become aware that  
 11 Noodle was stealing from the Muncys?  
 12 A It was after that - - it was after it come  
 13 out that he was.  
 14 Q Okay.  
 15 A I mean, I knew - - I knew he was doing  
 16 something, but I didn't know what it was.  
 17 Q Okay.  
 18 A Because being his brother-in-law, I mean,  
 19 he all he time carried around a wad of money that I knew he  
 20 wasn't making from just working at Uncle Sam's.  
 21 Q Okay. But you didn't know what was going  
 22 on?  
 23 A No, no.  
 24 Q Would you visit in the home of him and your  
 25 sister?

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1 A Yeah, every once in a while.  
 2 Q Never saw anything out of the ordinary with  
 3 regard to the guns or other equipment?  
 4 A No, he did most of his transactions, from  
 5 what I can understand, out of the basement of his house and  
 6 when he'd do it - - I was there one time and a man come and  
 7 knocked on his door and he took him down in the basement  
 8 and then the man walked out with a bow.  
 9 Q Okay.  
 10 A You know, I didn't know -- you know, if  
 11 he'd just brought the bow home to work on it for him or - -  
 12 I didn't know what was going on.  
 13 Q Okay. All right. When did your sister and  
 14 Noodle divorce? Or maybe more correct, when did they last  
 15 live together as husband and wife?  
 16 A A year or two ago? A couple of years ago I  
 17 believe.  
 18 Q Okay. You think maybe 2014 sound about  
 19 right?  
 20 A Yeah.  
 21 Q Okay. And your sister moved out of the  
 22 house and he stayed in the house --  
 23 A Yes, sir.  
 24 Q -- that you were talking about?  
 25 A Yes, sir.

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1 MR. CAGLE: All right. Thank you very  
 2 much.  
 3 THE WITNESS: Uh-huh.  
 4 MR. LOWNEY: I don't have any questions.  
 5 MR. CAGLE: All right, who wants to go  
 6 first? Mr. Gillespie.  
 7 PHILLIP GILLESPIE,  
 8 having been called to tell the truth, testified as  
 9 follows:  
 10 DIRECT EXAMINATION  
 11 BY MR. CAGLE:  
 12 Q State your name, please?  
 13 A Phillip Gillespie.  
 14 Q All right. Phillip, where do you reside?  
 15 A Bruno, West Virginia.  
 16 Q And in relation to Man, where is that?  
 17 A I'm on Route 80 towards Gilbert.  
 18 Q Where do you work?  
 19 A Uncle Sam's Loans.  
 20 Q How long have you worked at Uncle Sam's?  
 21 A I've been there for 12 years.  
 22 Q Okay. You married?  
 23 A Yes.  
 24 Q Have kids?  
 25 A No.

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1 Q Okay. This is your sole occupation?  
 2 A Yes.  
 3 Q Are you a sales person, is that - - what's  
 4 the description of your position?  
 5 A As of now, manager.  
 6 Q Okay. When did that become the case?  
 7 A I've actually been listed as the manager  
 8 for a while, but at the time, where Noodle was there at the  
 9 store, he pretty much run the day-to-day operations and I  
 10 never had any managerial responsibilities or anything. It  
 11 was more or less a title.  
 12 Q Okay. Did you ever - - did you ever sign  
 13 any of these documents that are straw transactions?  
 14 A No, not that I know of. I'm really not  
 15 sure.  
 16 Q Do you know what - - do you know the  
 17 individuals that did - - I'll name them for you. It would  
 18 be Scott Ellis? Do you know him?  
 19 A I know him as a customer, nothing personal.  
 20 Q All right. In your time there, with whom  
 21 did Scott Ellis deal?  
 22 A He always dealt with Noodle.  
 23 Q And when you say "always," was that - - had  
 24 that become a common sight at some point?  
 25 A Oh, yeah, he would come straight in and

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1 A She always dealt with Noodle.  
 2 Q Okay. And you had seen her in there,  
 3 right?  
 4 A Yes.  
 5 Q Okay. Would - - would Noodle have others  
 6 sign the From 4473?  
 7 A On the most part, yes.  
 8 Q How did that happen? How did that become  
 9 the case?  
 10 A Well, he would wait on a customer and as he  
 11 finished up with whatever, you know, he was doing with the  
 12 customer, he'd say, "Here, register these guns to them,"  
 13 and the employee would do the form, call it in.  
 14 Q Okay. To your knowledge, did any other  
 15 employee know what Noodle was up to?  
 16 A Not to my knowledge.  
 17 Q Was Noodle working there when you first  
 18 came to work at Uncle Sam's?  
 19 A Yes.  
 20 Q Okay. I take it you know Shane and Brian;  
 21 is that right?  
 22 A Yes.  
 23 Q Did you ever either Shane or Brian deal  
 24 with one of the Muncys in any transaction?  
 25 A None that I've ever seen.

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1 they would go in the back.  
 2 Q Okay. And by "the back," what are you  
 3 talking about?  
 4 A A back room in the store.  
 5 Q In other words, they would get away from  
 6 others?  
 7 A Yes.  
 8 Q Okay. Now, let's see. Do you recognize  
 9 the names of any of the - - that's okay. Do you recognize  
 10 the name of the others involved in that - - let me find  
 11 that for you. I'm sorry.  
 12 MR. CAGLE: What is that, Exhibit 1? I'm  
 13 looking for the names.  
 14 MR. LOWNEY: Exhibit 1 has the names of the  
 15 various individuals that were involved in the transactions.  
 16 MR. CAGLE (resuming):  
 17 Q Christina Deer, do you know - - do you  
 18 remember Christina Deer?  
 19 A I've met her two or three times. That's  
 20 really about it as she's come to the store.  
 21 Q Do you ever remember having seen her at  
 22 Uncle Sam's?  
 23 A Two or three times maybe. Not many.  
 24 Q Did you - - do you recall with whom she  
 25 dealt?

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1 Q Okay. Did you see them with Noodle?  
 2 A Yes.  
 3 Q Okay. Were any of those transactions done  
 4 in the back of the premises?  
 5 A Most of the time, yeah.  
 6 Q Okay. Describe that because this gentleman  
 7 and others here --  
 8 A There's a whole back corner of the store we  
 9 keep, you know, there's a computer and all the guns are  
 10 back there. And generally at that back counter is where  
 11 all the forms are filled out and called in and everything.  
 12 And then most of the time like in -- like with Scott Ellis,  
 13 he would be in the back talking with them or whatever,  
 14 doing his thing and then send them out, have one of us do  
 15 the form and then afterwards, they would go to speak with  
 16 him after they filled out the forms.  
 17 Q Okay. When was the first time you  
 18 discovered that Noodle was involved in these - - well,  
 19 these crimes?  
 20 A Really when it all come about, when ATF  
 21 come to the store the first time and done their search and  
 22 investigation. It all kind of come about then.  
 23 Q Did you testify in front of the Grand Jury?  
 24 A Yes, sir.  
 25 Q Okay. Do you know of any involvement of

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1 either of the Muncys, Roger or Louise?  
2 A Not that I know of.  
3 Q You were in front of the Grand Jury?  
4 A Yes, sir.  
5 Q Were you interviewed before that?  
6 A No.  
7 Q Okay. If you know, it's not your - - you  
8 don't know when Noodle first come to work at Uncle Sam's?  
9 A No, I have no idea.  
10 Q You just know he was there when you go  
11 there?  
12 A Yeah.  
13 Q Did you answer to him from the very  
14 inception of your work there?  
15 A Yeah, it was him and Melinda mostly.  
16 Q Okay. You don't know what year Melinda  
17 left?  
18 A I'm thinking it was around 2010, but I'm  
19 really not for sure.  
20 Q Okay. That's Melinda Bowles; is that  
21 right?  
22 A Yes.  
23 MR. CAGLE: That's all I have. Thank you,  
24 Phillip.  
25 THE WITNESS: Uh-huh.

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1 CROSS-EXAMINATION  
2 BY MR. LOWNEY:  
3 Q What was your - - do you have a role as far  
4 as the firearms part of the business? To what extent were  
5 you involve in that?  
6 A Just sales and I would take the forms and  
7 put them in the computer.  
8 Q Okay.  
9 A Just copy the information.  
10 Q To your recollection, did you ever complete  
11 any of the forms at the direction of Mr. Adkins?  
12 A Not that I know of. I'm not going to say  
13 that I did or I didn't because I really don't know.  
14 Q But you had some involvement in the  
15 firearms part of the business --  
16 A Yes.  
17 Q -- in terms of sales or paperwork.  
18 A Yes.  
19 Q And, you know, the time line when this was  
20 going on was over a couple year period.  
21 A Uh-huh.  
22 Q And then two of the gentlemen are here  
23 today where, like Mr. Noel and Mr. West would repeatedly  
24 becoming into the store and buying three and four, five  
25 firearms at a time.

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1 A Uh-huh.  
2 Q You know, was there ever any concern on  
3 your part or any concern on anybody's part about, you know,  
4 why these individuals were buying all these guns and what  
5 was going on with it?  
6 A Never really paid much attention to it. I  
7 mean, they were dealing with another person. You was just  
8 kind of there. You was just doing your job.  
9 Q Was there ever any discussion among  
10 employees about what - - they obviously had some discussion  
11 about the fact that Mr. Adkins was taking some of these  
12 firearms and apparently other property out of the business  
13 and selling it. Was there any knowledge of you or that you  
14 heard from other employees about any of that?  
15 A No, actually, today is the first time I've  
16 heard that other than hearsay on the street.  
17 MR. LOWNEY: That's all I have.  
18 MR. CAGLE: Eric, ready?  
19 ERIC ALLEN,  
20 having been called to tell the truth, testified as  
21 follows:  
22 DIRECT EXAMINATION  
23 BY MR. CAGLE:  
24 Q State your full name, please?  
25 A Eric Allen.

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1 Q Where do you work, Eric?  
2 A At Uncle Sam's Loans.  
3 Q How long have you been working there?  
4 A Eleven years.  
5 Q So you've been there almost as long as  
6 Phillip, right?  
7 A Uh-huh.  
8 Q What's your job there?  
9 A Sales. I mainly work on bows.  
10 Q Bow?  
11 A Yeah.  
12 Q Okay. So you're kind of a bow specialist?  
13 A Yeah.  
14 Q Okay. Those are hunting bows, the real  
15 powerful ones?  
16 A Right.  
17 Q Now, with regard to your personal  
18 situation, are you a resident of Man?  
19 A No.  
20 Q Where do you live?  
21 A I live in Greenville.  
22 Q Where?  
23 A Greenville.  
24 Q South Carolina?  
25 A No.

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<p>1 Q Where is that in relationship to Man?</p> <p>2 A It's probably two miles, maybe, from Man.</p> <p>3 Q Okay. Are you married?</p> <p>4 A Yes.</p> <p>5 Q Have children?</p> <p>6 A Three.</p> <p>7 Q What are their ages?</p> <p>8 A 10, 6 and 2.</p> <p>9 Q And you rely on this job to feed your</p> <p>10 family?</p> <p>11 A Yes.</p> <p>12 Q Eric, you've heard from Shane and Brian.</p> <p>13 You know each of them when you see them.</p> <p>14 A Yeah.</p> <p>15 Q Do you know Christina Deer?</p> <p>16 A Now, I do. At the time when I was</p> <p>17 questioned the first time, I wasn't sure who she was</p> <p>18 because they explained to me once I got back to work who</p> <p>19 she was, but yeah, I know who she is?</p> <p>20 Q So you know from what other people have</p> <p>21 told you?</p> <p>22 A Yes.</p> <p>23 Q So and I'm sure you know her when you see</p> <p>24 her?</p> <p>25 A Oh, I know her.</p>		<p>1 time in the transaction that you were enlisted to sign off</p> <p>2 on the transaction by Noodle that - - was there any time</p> <p>3 when you recall Louise or for that matter Roger being in on</p> <p>4 the transaction, that is there, physically?</p> <p>5 A No.</p> <p>6 Q Did that ever happen?</p> <p>7 A No.</p> <p>8 Q Did they ever - - was there any insinuation</p> <p>9 there of involvement of the Muncys with what we now know</p> <p>10 Noodle was up to?</p> <p>11 A No.</p> <p>12 Q Did you - - that time that you signed, I</p> <p>13 take it you didn't have - - when you signed the 4473, you</p> <p>14 didn't know that there was something wrong with it, did</p> <p>15 you?</p> <p>16 A Well, no, not really. I mean, you don't</p> <p>17 really question where people get their money from, for the</p> <p>18 most part. Especially in Scott Ellis' case, you know. A</p> <p>19 mine owner, you know, you just thought he liked guns. I</p> <p>20 mean, I never knew all that was going on until today.</p> <p>21 Q Okay. Did you know how to fill out the</p> <p>22 4473? Is that something that you - - have a familiarity?</p> <p>23 A Not till I started work there, no.</p> <p>24 Q Yeah, I'm talking about in the last decade</p> <p>25 or so --</p>	
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<p>1 Q Okay.</p> <p>2 A I didn't know her last name at that time.</p> <p>3 Q Do you know Scott Ellis?</p> <p>4 A Yes.</p> <p>5 Q All right. With respect to each of those</p> <p>6 individuals, did you ever sign any of the transactions?</p> <p>7 A Yeah.</p> <p>8 Q Okay. Tell the Hearing Examiner how that</p> <p>9 came about.</p> <p>10 A Pretty much what Phillip said. I mean, he</p> <p>11 done his own thing in the back room or just walking around</p> <p>12 talking to them, laughing, joking, carrying on. And when</p> <p>13 it come down to time to do the actual paperwork, he would</p> <p>14 never do it. He would always holler at one of us to come</p> <p>15 and do it.</p> <p>16 Q And the "he" is?</p> <p>17 A Noodle.</p> <p>18 Q Noodle? And what was your relationship as</p> <p>19 an employee to Noodle during the relevant period? What - -</p> <p>20 did you answer to him?</p> <p>21 A Oh, yeah.</p> <p>22 Q You understood that he had some management</p> <p>23 authority there; is that right?</p> <p>24 A Yeah.</p> <p>25 Q Now, with regard to that, was there any</p>		<p>1 A Oh, yeah.</p> <p>2 Q -- you've become familiar with that.</p> <p>3 A Oh, yeah.</p> <p>4 Q Okay. You've never filled one out</p> <p>5 knowingly that it was - - something was wrong, fraudulent</p> <p>6 or illegal about it?</p> <p>7 A No. No.</p> <p>8 Q Okay. Well, you hesitated some there.</p> <p>9 This is your chance to - - did - - when Noodle would tell</p> <p>10 you to sign off on that - - on a form, kind of give us a</p> <p>11 sense of how that would happen.</p> <p>12 A Well, like I said, after he done his thing,</p> <p>13 we'd have the person fill out the form and as we're calling</p> <p>14 it in that they still - - whoever he was waiting on would</p> <p>15 just, they'd go chit chat and talk till I got done and they</p> <p>16 would come and sign it and Noodle would throw me the little</p> <p>17 card that you put on the back of the gun forms and I</p> <p>18 finished the gun form after he signed it and then move on</p> <p>19 to the next customer.</p> <p>20 Q You'd have the customer fill out the form</p> <p>21 or would you sometimes --</p> <p>22 A The customer filled it out and we signed</p> <p>23 it.</p> <p>24 Q Okay.</p> <p>25 A Is all we done.</p>	



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<p>1 Q And you just signed that they'd -- you had</p> <p>2 witnessed their filling it?</p> <p>3 A Uh-huh.</p> <p>4 Q Is that the essence of it?</p> <p>5 A Yeah.</p> <p>6 MR. CAGLE: That's all I have, Eric. Thank</p> <p>7 you, sir.</p> <p>8 CROSS-EXAMINATION</p> <p>9 BY MR. LOWNEY:</p> <p>10 Q During the time period when all this was</p> <p>11 going on -- which I assume at this point you're aware of</p> <p>12 what was going on. Again, from your perspective as</p> <p>13 somebody who was in the store working on a regular basis</p> <p>14 and apparently supervised by Mr. Adkins, I mean, was there</p> <p>15 any awareness or discussion among employees about, again,</p> <p>16 these gentlemen repeatedly coming into the store, acquiring</p> <p>17 hundreds and hundreds of dollars worth of firearms? You</p> <p>18 know, was there -- there was never any discussion about</p> <p>19 that or anybody wondering about it?</p> <p>20 A Not really, no. I mean, at the time, it</p> <p>21 was -- I mean, in 2009, '10, '11, I mean, we was a pretty</p> <p>22 busy place. I mean, I was from customer to customer to</p> <p>23 customer. So we was -- really didn't pay much mind to</p> <p>24 anything.</p> <p>25 Q And there was -- you had no knowledge that</p>	<p>1 Q For each of you, Roger and you --</p> <p>2 A Second marriage? Yes.</p> <p>3 Q How long have you and Roger been married?</p> <p>4 A Thirty-four years.</p> <p>5 Q Okay. That counts as a first, doesn't?</p> <p>6 For three decades. Each of you have children; is that</p> <p>7 right?</p> <p>8 A Uh-huh.</p> <p>9 Q Well, he said don't "uh-huh."</p> <p>10 A Yes.</p> <p>11 Q All right. So how long is it that you have</p> <p>12 owned the business? And by that, is it a stock ownership?</p> <p>13 A Yes.</p> <p>14 Q Uncle Sam's is -- well, what kind of</p> <p>15 corporation is it, do you know? Is it a C corporation or</p> <p>16 is it a --</p> <p>17 A Yeah.</p> <p>18 Q Okay.</p> <p>19 MR. CAGLE: You have to wait your turn,</p> <p>20 Roger.</p> <p>21 THE WITNESS: He knows a lot more than I do.</p> <p>22 MR CAGLE: (resuming):</p> <p>23 Q If you don't know, you just say you don't</p> <p>24 know.</p> <p>25 HEARING EXAMINER: I didn't hear the</p>
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<p>1 Mr. Adkins was taking possession of a lot of these</p> <p>2 firearms?</p> <p>3 A No, not until today, no.</p> <p>4 MR. LOWNEY: That's all I have.</p> <p>5 MR. CAGLE: Thank you, Eric. Okay</p> <p>6 DOROTHY LOUISE MUNCY,</p> <p>7 having been called to tell the truth, testified as</p> <p>8 follows:</p> <p>9 DIRECT EXAMINATION</p> <p>10 BY MR. CAGLE:</p> <p>11 Q Well, Louise?</p> <p>12 A Yes?</p> <p>13 Q How about you?</p> <p>14 A You want my name?</p> <p>15 Q Yes, if you would, please?</p> <p>16 A Dorothy Louise Muncy.</p> <p>17 Q Louise, tell the Hearing Examiner your</p> <p>18 relationship to Uncle Sam's.</p> <p>19 A I'm the owner for about three years.</p> <p>20 Q Okay. And Uncle Sam's, it was started by</p> <p>21 your husband, right?</p> <p>22 A Yes.</p> <p>23 Q And for each of you, this is a second</p> <p>24 marriage, right?</p> <p>25 A I couldn't hear you.</p>	<p>1 response. What kind of corporation?</p> <p>2 MR. CAGLE (resuming):</p> <p>3 Q What kind of corporation?</p> <p>4 A C.</p> <p>5 HEARING EXAMINER: C. Thank you.</p> <p>6 MR. CAGLE (resuming):</p> <p>7 Q All right. Now, and how long have you been</p> <p>8 what we call the owner of this C corp?</p> <p>9 A Three years.</p> <p>10 Q Do you own 100 percent of the stock or is</p> <p>11 there some question about that?</p> <p>12 A No, I own 9 percent and Steven Adkins right</p> <p>13 now has 1 percent.</p> <p>14 Q Or 90 percent versus 10 percent, on a 100?</p> <p>15 Is that right?</p> <p>16 A Yeah.</p> <p>17 Q Okay. Tell the Hearing Examiner how it is</p> <p>18 that Steven became a -- at least a claimant for ownership.</p> <p>19 A Well, like you say, he's been sick for --</p> <p>20 off and on for years. He's had strokes, heart attacks,</p> <p>21 everything else. I told him that I needed someone else to</p> <p>22 help me more because I didn't know anything about the guns.</p> <p>23 I didn't -- you know, I was always just the register girl.</p> <p>24 I do the register, pay the bills and work the jewelry.</p> <p>25 I don't -- as far as I know, except for</p>

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1 one time when I went to a gun show and somebody showed me  
 2 how to do a gun form, I've never filled out a gun form.  
 3 Never, unless I bought the gun. But for somebody, I've  
 4 never called one in. I don't even know the number -- or  
 5 our number.  
 6 Q So you're not -- you've not been --  
 7 traditionally, you've not been involved in gun sales?  
 8 A No, I don't know anything about guns.  
 9 Q So we were getting to, then, how it is that  
 10 Noodle Adkins become somewhat of an --  
 11 A Right.  
 12 Q -- partial owner or a part -- or a  
 13 claimant at least --  
 14 A Right.  
 15 Q Okay. Go ahead.  
 16 A We had always told him when we retired that  
 17 he would have a chance to get the store. And when all this  
 18 happened, this last thing with him, we decided to make him  
 19 a one-tenth, one share of the store, so that way I'd have  
 20 more help and he could help me, you know.  
 21 Q So you -- was Noodle sort of considered  
 22 like a son?  
 23 A Oh, yeah. We loved him. It killed him.  
 24 Q You'd said something about, "this last  
 25 thing." What are you talking about?

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1 A Well, he had a piece of plaque break off,  
 2 went up to his eye, made him blind and had to go up in  
 3 there -- I don't know. He couldn't help me with anything  
 4 because of the stroke. He lost his memory, short time --  
 5 or long time. So I needed somebody that knew more about  
 6 the business than just me, which I didn't -- these boys  
 7 will tell you, I don't know much -- I'm just throwed in  
 8 there.  
 9 Q Okay. So when did Roger have his stroke?  
 10 A The first -- let's see. The first heart  
 11 attack was 2000 -- 2004 he whispered. I didn't remember.  
 12 Q When was his stroke?  
 13 A The stroke, they give him a clot buster  
 14 when he had his attack and he had the stroke the same time.  
 15 Q Okay. So in 2004 was the stroke. His  
 16 current condition --  
 17 MR. CAGLE: And Roger, I don't want to talk  
 18 about you like you're not here, so you can't hear so --  
 19 MR. CAGLE (resuming):  
 20 Q He's had that since '04; is that fair to  
 21 say?  
 22 A He had a first -- one heart attack back in  
 23 '97. That was his first one and then he started having  
 24 everything combined going down.  
 25 Q Did you ever have any hint --

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1 MR. MUNCY: Snitch.  
 2 MR. CAGLE (resuming):  
 3 Q No. Did you ever have any hint that Noodle  
 4 was -- what he was up to?  
 5 A I never dreamed it. I mean, because, like  
 6 I said, he was part owner. Why would he do it to himself?  
 7 Q What happened --  
 8 A We still don't understand that part.  
 9 Q Okay. What happened to the ownership? Is  
 10 there a controversy about that?  
 11 A Right now, it's just -- we don't know.  
 12 We're seeing what's going on and stuff. We haven't heard  
 13 anything on his part or our part.  
 14 Q Okay. You've hired a lawyer down in Logan  
 15 on that?  
 16 A No, not really.  
 17 Q Okay. But you did put him out, right?  
 18 A Yeah.  
 19 Q And when you found out what he had been up  
 20 to, you put him out?  
 21 A Right.  
 22 Q There was a suggestion by the agent that  
 23 some how you put him out because he, Noodle had signed a  
 24 plea agreement. That wasn't the case, was it?  
 25 A No.

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1 Q In fact, I apprised you of a deposition  
 2 with Scott Ellis and what I understood to be his  
 3 involvement --  
 4 A Uh-huh.  
 5 Q -- with Noodle from another case; isn't  
 6 that right?  
 7 A Right.  
 8 Q And that you had an employee that was bad,  
 9 that was doing things that were going to put Uncle Sam's at  
 10 risk.  
 11 A Uh-huh.  
 12 Q Right?  
 13 A Uh-huh.  
 14 Q That's the reason you put him out, isn't  
 15 it?  
 16 A Right. We'd had enough of that other.  
 17 Q You found out you were dealing -- you had  
 18 a skunk in your midst, correct?  
 19 A Correct.  
 20 Q Did you have any idea that he was stealing  
 21 and doing these fraudulent actions?  
 22 A No.  
 23 Q Did Roger -- did you know before now what  
 24 a straw transaction was?  
 25 A No.

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1 Q Okay.

2 A I still don't really understand it. I

3 know, hearing all this, I've picked up on it, but other

4 than --

5 Q Okay. Do you know these individuals that

6 I'm going to go through? You knew Shane and Brian, right?

7 A Yes.

8 Q Okay. Christina Deer, do you know her?

9 A I don't know her. Those boys says I've

10 probably seen her in the store, but I wouldn't know her if

11 she'd walk in here.

12 Q Scotty Ellis, do you know him? Do you

13 remember him? Do you remember him coming in and cashing

14 checks?

15 A Yes.

16 Q Okay. Now the document that I had made

17 exhibits before, you got from Gary Wilson at the bank. At

18 the time it was called Exhibit 1 and 2, right? These?

19 Take a look.

20 A Yeah. I had it all the way up till -- I

21 didn't renew this time.

22 Q Okay.

23 A Because business has been so bad, I didn't

24 have the money really to cash it in the store. So I've not

25 got the check cashing right now.

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1 Q Okay. Explain that business to the Hearing

2 Examiner, that check cashing --

3 A Explain what?

4 Q Explain the check cashing business that you

5 had to the Hearing Examiner.

6 A Yeah, well people come in and we'd cash a

7 check and, you know, I'd tell them it's 10 percent and then

8 I'd charge tax. Excuse me. But we didn't have a whole

9 lot. You know, anything over, I think, a thousand dollars,

10 something like that, you had to have a cash check to do

11 that.

12 Q Okay.

13 A So we didn't -- I didn't renew it.

14 Q Okay. But, in other words, the value of

15 the check cashing business was you could cash large checks,

16 right?

17 A Right, yeah.

18 Q And then that is designed, as you

19 understand it, to follow the money --

20 A Right.

21 Q -- as the Government wants to do, right?

22 A You can't cash over a thousand unless you

23 had the cash check.

24 Q Okay. And you got that through working

25 with the bank there in Logan?

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1 A Yes.

2 Q Okay. With Mr. Wilson?

3 A Yeah, that's who comes to the store and we

4 deal with. We have a Logan Bank and Trust in Man, too, so

5 that's our main bank.

6 Q Okay. But in any event, up until the

7 renewal in 2015, you had the license, right?

8 A Right.

9 Q Okay. And with any transaction -- how

10 many transactions do you remember yourself having with this

11 Scott Ellis?

12 A You mean, me cashing his checks?

13 Q Yes.

14 A Well, the only thing I remember is

15 sometimes he'd come in and get something and put it on a

16 ticket and come back with a check to pay for it later, like

17 a week later or, you know, he would actually charge

18 something and come back and bring a check. Probably a

19 couple times he had one larger than what he owed and I just

20 give his change back, \$200 something like that.

21 But as far as cashing a big check, I never

22 did. Because he never liked a woman to wait on him. He

23 always thought we was beneath him. That's the kind of

24 person Scott Ellis was. He thought he was just -- we

25 didn't know what we was doing, which he might have been a

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1 little right.

2 Q So, who'd he deal with?

3 A Huh?

4 Q Who'd he deal with?

5 A Steven Noodle Adkins. That's the only one

6 he'd go to every time he come in.

7 Q At that time that he came back a little

8 later, do you now know that maybe that was some shenanigan

9 he was pulling?

10 A It probably was. I know everything --

11 almost ever person that walks in the store right now, they

12 tell us, "We wanted to tell you, but we was afraid you'd

13 get mad at us," you know, that he was stealing the guns out

14 the back door. I mean, they just walk in everyday and tell

15 us something. It's just really -- really been rough on

16 this one, on Roger.

17 Q Roger thought of him as like his own,

18 didn't he?

19 A Oh, yeah.

20 Q Okay. What's been the effect on Roger?

21 A Do what?

22 Q What's been the effect of this on Roger?

23 A Look at him. Does that tell you? He stays

24 in bed a lot. He sleeps a lot. It changed him.

25 Q How many people do you all currently

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1 employ?  
 2 A Counting me - he's not employed - we've got  
 3 five.  
 4 Q Okay. What's the most you all have  
 5 employed?  
 6 A Most that we've had at one time?  
 7 Q Yes.  
 8 A Probably 6. It's never been more than  
 9 that.  
 10 Q Do you know --  
 11 MR. MUNCY: At one time we had the three  
 12 stores.  
 13 MR. CAGLE: Hold on, Roger.  
 14 MR. CAGLE (resuming):  
 15 Q Do you know how many of your employees rely  
 16 upon Uncle Sam's for their family?  
 17 A Every one of them. That's their only main  
 18 job.  
 19 MR. CAGLE: That's all I have of Louise.  
 20 HEARING EXAMINER: Has the Licensee  
 21 completed it's presentation?  
 22 MR. CAGLE: Maybe. I'd like a second to  
 23 speak with Roger and Louise, perhaps. But other than that,  
 24 yes, sir.  
 25 HEARING EXAMINER: Do you want to do that

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1 now?  
 2 MR. CAGLE: Yes, sir. Let me have a two-  
 3 minute -- five-minute break. Is that all right?  
 4 HEARING EXAMINER: Two. The time is  
 5 approximately 1:28.  
 6 (A brief recess was had, after which the  
 7 proceeding continued as follows:)  
 8 HEARING EXAMINER: The time is approximately  
 9 1:33. We're back on the record.  
 10 ROGER DALE MUNCY,  
 11 having been called to tell the truth, testified as  
 12 follows:  
 13 DIRECT EXAMINATION  
 14 BY MR. CAGLE:  
 15 Q Roger, state your full name for us? Can  
 16 you hear me all right?  
 17 A I'm just fine.  
 18 Q Can you hear me? Look at me.  
 19 A Yes, sir.  
 20 Q Okay. State your full name.  
 21 A Roger Dale Muncy. Birthday 11-1-52. Want  
 22 my Social Security?  
 23  
 24 Q No.  
 25 MRS. MUNCY: No, they have that.

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1 MR. CAGLE (resuming):  
 2 Q Turn around here. I want to ask you  
 3 something and I don't want you to have to ask me back --  
 4 to repeat it, okay. When did you start the business that's  
 5 known as Uncle Sam's?  
 6 A In February the 15th of 1975.  
 7 Q Okay. And how did you become involved in  
 8 that - - this kind of business?  
 9 A I grew up in this business. My father and  
 10 mother died when I was very young and my brother raised me  
 11 and I worked at the B & B Loans in Logan for a guy named  
 12 John Gilliam when I was in junior high. And I learned the  
 13 business of pawn and all that kind of stuff.  
 14 Q Okay. So you go back to your junior high  
 15 days?  
 16 A Junior high days.  
 17 Q And this business that you started, has it  
 18 been in existence at all times since '75?  
 19 A Right.  
 20 Q Were there - - was there more than one  
 21 store?  
 22 A Absolutely. I had three stores at one time  
 23 and then I got sick. I had my first heart attack in 1997  
 24 and I had a boy that worked for me 20 years and that was  
 25 the Oceana store.

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1 Q And you sold that to him?  
 2 A I sold that to him. And --  
 3 Q So you have a history --  
 4 A Well, we had a bargain. I said, "I need  
 5 you to go over there and run that store," so he'd have a  
 6 job.  
 7 Q Just answer the question and we'll get  
 8 through this thing. So you have had a history of trying to  
 9 bring on some of your workers or your employees into the  
 10 business, right? Is that how you all determined to bring  
 11 Noodle Adkins involved; is that right?  
 12 A Yes, sir.  
 13 Q Was as far as you knew, Noodle a good  
 14 employee?  
 15 A As far as I knew. I loved him.  
 16 Q As if he were yours?  
 17 A He was more than my son.  
 18 Q Okay. How would you describe Noodle?  
 19 Before you knew about this, how would you describe Noodle?  
 20 A He was great. He done everything for me.  
 21 He helped me put my clothes on. He done everything I asked  
 22 of him. I mean, when Louise would go someplace, he'd stay  
 23 with me at night to help me. I mean, I didn't have my son  
 24 that lived here in town. My son was so jealous of him, you  
 25 wouldn't believe.

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<p>1 Q Did you ever tell Noodle that - - did you</p> <p>2 say, "I want you to start doing these straw transactions"?</p> <p>3 A No way.</p> <p>4 Q How many years have you been in business</p> <p>5 now?</p> <p>6 A Forty-one, be 42 in February.</p> <p>7 Q And you'd had three different operations,</p> <p>8 right, in three different locations; is that right?</p> <p>9 A Well, I had this - - the Cleveland Clinic -</p> <p>10 -</p> <p>11 MRS. MUNCY: No, honey, he's talking about</p> <p>12 the store.</p> <p>13 MR. CAGLE (resuming):</p> <p>14 Q I'm sorry. That's my fault. You had had</p> <p>15 three different stores, hadn't you?</p> <p>16 A Three different stores.</p> <p>17 Q Yes, sir. Yeah, that's what I was saying.</p> <p>18 HEARING EXAMINER: I misunderstood too.</p> <p>19 MR. CAGLE: Yeah. No, no, I recognize my</p> <p>20 error.</p> <p>21 MR. CAGLE (resuming):</p> <p>22 Q What were the names of the three stores?</p> <p>23 A Uncle Sam's, Uncle Tom's and Uncle Bill's.</p> <p>24</p> <p>25 Q All right. Are the other two still in</p>		<p>1 Q Now, here's my question.</p> <p>2 A Okay.</p> <p>3 Q When was it that you quit coming in to</p> <p>4 Uncle Sam's at any --</p> <p>5 A I'm going to say five years ago.</p> <p>6 Q So that's 2011, 2010? Would that be - -</p> <p>7 are you on disability?</p> <p>8 A Yes, sir.</p> <p>9 Q When were you declared disabled?</p> <p>10 A I think somewhere around 2 -- 2005 or '06.</p> <p>11 Q When was your stroke?</p> <p>12 A 2004.</p> <p>13 Q Okay.</p> <p>14 A I had a stroke and heart attack at the same</p> <p>15 time.</p> <p>16 Q Okay. So what was the effect of the stroke</p> <p>17 and heart attack?</p> <p>18 A The heart attack and they gave me the clot</p> <p>19 buster and it made me have a brain bleed and then I had a</p> <p>20 stroke.</p> <p>21 Q How did that affect you?</p> <p>22 A Oh, all ways. Couldn't walk, talk, do</p> <p>23 anything for along time. Six months walking and getting</p> <p>24 straight. I was embarrassed, still embarrassed. I think</p> <p>25 it's called a stroller.</p>	
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<p>1 operation?</p> <p>2 A Yes.</p> <p>3 Q But you sold your interest in them?</p> <p>4 A Right.</p> <p>5 Q Now, have you ever had any trouble with the</p> <p>6 AFT before this?</p> <p>7 A Never a problem. Larry's computer system</p> <p>8 and I'd like to address that.</p> <p>9 Q Okay. I understand. The - - did you make</p> <p>10 - - what's your margin of profit on a typical firearm</p> <p>11 transaction?</p> <p>12 A If I make a hundred dollars, that's a lot</p> <p>13 any more. There's more competition out there than there</p> <p>14 used to be. The smaller sales, you may get \$50.</p> <p>15 Q All right. Did you -- let me just be point</p> <p>16 blank: Did you ever engage in a straw transaction just to</p> <p>17 make \$50 or \$100 or whatever it might be?</p> <p>18 A No, why would I take a chance. Why would I</p> <p>19 take a chance?</p> <p>20 Q When was it that you started not coming in</p> <p>21 as much? What time period was that?</p> <p>22 A When I had the -- I got on 24 pills and</p> <p>23 they just - - I keep telling the doctor today - - the brain</p> <p>24 doctor that I just don't have no energy. Just the other</p> <p>25 day, he gave me --</p>		<p>1 Q Okay. Roger, you said you wanted to tell</p> <p>2 these folks. Now, you're not an owner of Uncle Sam's and</p> <p>3 haven't been for a number of years.</p> <p>4 A Right.</p> <p>5 Q And you all were actually trying to bring</p> <p>6 in Noodle Adkins to try to help and at some point you all</p> <p>7 would just fade out and he'd handle it all. Was that the</p> <p>8 plan?</p> <p>9 A Now, I think I'm - - I've talked with Mr.</p> <p>10 Robinson, a State Trooper, which is a good friend of mine.</p> <p>11 He's offered me - - he's been working about three days a</p> <p>12 week. He's been coming in the store about three days a</p> <p>13 week and he is with the Governor thing and I told him that</p> <p>14 - - that I would co-sign for it - - I'd sell it to him for</p> <p>15 a million dollars, building and all and if he'll pay a</p> <p>16 hundred thousand dollars down, that I would - - that he</p> <p>17 would need to stay with me a year to learn the business and</p> <p>18 continue his job with State Police and then you'd stay with</p> <p>19 the State Police.</p> <p>20 Q Let me ask you something, Roger. This is</p> <p>21 kind of out in left field, but let me ask you something.</p> <p>22 Is there a - - is there a system under which you can more</p> <p>23 quickly register firearms and do the things that the law</p> <p>24 requires? In other words, something that perhaps is a</p> <p>25 little bit --</p>	



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<p>1 A That's what I wanted to tell them. Boys,</p> <p>2 here -- Michael, my son, has got the new system at Cross</p> <p>3 Lanes where the dog track is at, over in that holler, and</p> <p>4 they log everything in on a computer. They log everything</p> <p>5 out, every sale and I've never -- I have no control of</p> <p>6 what goes out. He gets every sale, every day at Fox</p> <p>7 Business Firearms and some of the little tiny things like a</p> <p>8 fishing plug or something, he might not put on the thing.</p> <p>9 But I'm going to buy that system, if I can keep my license,</p> <p>10 and --</p> <p>11 Q So if we're plain, you're not an owner</p> <p>12 right now, are you?</p> <p>13 A Well, my wife is, okay?</p> <p>14 Q Okay.</p> <p>15 A My wife will buy that system and we'll</p> <p>16 learn the system, learn what to do and how to do it and</p> <p>17 lay-aways and track everything and I just -- it should've</p> <p>18 been done a long time ago. And I'd like to present that to</p> <p>19 you all and start on it as soon as -- I'm just asking you</p> <p>20 for that. I don't want to lose my store. I don't care a</p> <p>21 bit for --</p> <p>22 Uncle Sam's Loans has been in that town for</p> <p>23 41 years and I just hate -- it just -- I'd hate not being</p> <p>24 able to go in there and sit in my rocking chair and just</p> <p>25 talk to people. They're my friends. City council, I get</p>	<p>1 violations.</p> <p>2 Q And then you were involved in those</p> <p>3 meetings and discussions?</p> <p>4 A Yeah, I came over once and then one time,</p> <p>5 Steven and Phillip Gillespie went one time because Steven</p> <p>6 was on the license then.</p> <p>7 Q I think the last one was 2014 and I think</p> <p>8 Mr. Adkins --</p> <p>9 A Yeah.</p> <p>10 Q -- was involved in that.</p> <p>11 A Now, he come over to one meeting here, him</p> <p>12 and Phillip and then the first one was Melinda, which was</p> <p>13 over it, and me.</p> <p>14 Q Okay and do you have any working knowledge</p> <p>15 at all of how the record keeping and inventory control</p> <p>16 process works for the firearms?</p> <p>17 A No. But I always had somebody that worked</p> <p>18 for us that knew how to do it all.</p> <p>19 Q And currently who's running the firearms</p> <p>20 part of the business?</p> <p>21 A Me and Phillip.</p> <p>22 Q The gentleman who --</p> <p>23 MR. CAGLE: Phillip Gillespie.</p> <p>24 THE WITNESS: Phillip Gillespie, yeah.</p> <p>25</p>
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<p>1 more votes than anybody. They know where I live.</p> <p>2 Q Well, Agent Cunningham's going to get you</p> <p>3 knocked off city council, so you'd have to move.</p> <p>4 A Okay.</p> <p>5 Q All right. Roger, that's enough. You made</p> <p>6 your point.</p> <p>7 A Okay.</p> <p>8 MR. CAGLE: I have any further questions.</p> <p>9 MR. LOWNEY: I just have a few questions.</p> <p>10 THE WITNESS: Okay.</p> <p>11 MR. LOWNEY: I'll address them to Mrs.</p> <p>12 Muncy, since she's the business owner.</p> <p>13 MR. CAGLE: Sure. Absolutely.</p> <p>14 CROSS-EXAMINATION</p> <p>15 DOROTHY LOUISE MUNCY,</p> <p>16 BY MR. LOWNEY:</p> <p>17 Q In the past, do you recall being involved</p> <p>18 with ATF regulatory officials concerning --</p> <p>19 A Have we come over here before?</p> <p>20 Q Right.</p> <p>21 A Yeah.</p> <p>22 Q Right, and that was the purpose of</p> <p>23 discussing regulatory violations at the store?</p> <p>24 A Yeah, some of them, I missed putting the</p> <p>25 call back number on or something like that. We had some</p>	<p>1 MR. LOWNEY (resuming):</p> <p>2 Q Uh-huh. And, I guess, the overall</p> <p>3 business, what -- you know, describe the business overall.</p> <p>4 Obviously, you sell firearms. What else does the business</p> <p>5 do?</p> <p>6 A We have a jewelry. We have fishing. We</p> <p>7 have hunting. We have bows. We have guns. We have work</p> <p>8 boots. We've got everything. If you need it, we call it</p> <p>9 if we don't have. It's a big store and it's full.</p> <p>10 Q Do you know approximately how many firearms</p> <p>11 you currently have?</p> <p>12 A No, sir, I sure don't. I couldn't even</p> <p>13 give you a guess.</p> <p>14 MR. MUNCY: I think, if he ain't stole them</p> <p>15 all on me. My safes used to stay full.</p> <p>16 MR. LOWNEY: I don't think I have anything</p> <p>17 more.</p> <p>18 MR. CAGLE: That's all we have.</p> <p>19 HEARING EXAMINER: Does the Government have</p> <p>20 any closing statements to make?</p> <p>21 MR. LOWNEY: Just very briefly.</p> <p>22 GOVERNMENT'S CLOSING STATEMENT</p> <p>23 MR. LOWNEY: I think the violations that are</p> <p>24 alleged in the Notice of Revocation are clearly willful</p> <p>25 violations of the Gun Control Act are extensive. You know,</p>

<p>PROCEEDINGS Page 165</p> <p>1 a lot of firearms have got in the hands of the the                  2 inappropriate person and a significant number of illegal                  3 straw transactions facilitated by the person running the                  4 store, in essence. At least the owner of the store.                  5 If you look, the compliance history of the                  6 business prior to all this, was not good. There's                  7 documents indicating violations and a warning conference                  8 held in 2007. Violations and another warning conference                  9 held again in 2008. In both of those instances, the                  10 business was warned about future violations potentially                  11 could cost the license.                  12 And then subsequent to those two warning                  13 conferences, there was yet a third one held in 2014 after                  14 all these events. That was not associated with these                  15 events. It was associated with more compliance issues.                  16 Rarely do Federal Firearms Licensees get more than one                  17 warning conference.                  18 This business has now had three and that                  19 doesn't include at all, all this intentional criminal                  20 conduct that was going on inside the store for a couple of                  21 years. So the violations are there. They're clearly                  22 willfully committed and the Licensee in this case, the                  23 corporation and Mrs. Muncy are legally responsible for all                  24 of the conduct of these employees, particularly Mr. Adkins.                  25 That's what the law says and so even - -</p>	<p>PROCEEDINGS Page 167</p> <p>1 and destroying a business that has existed for 41 years.                  2 Now, if that's what our Government's about,                  3 then go ahead. If that's -- if you think that, in fact,                  4 based on this evidence that an individual by the name of                  5 Noodle did all this and, therefore, they should suffer the                  6 harm and these young men who have families - some of them -                  7 then so be it. Then we will fight on, if that's it. If                  8 that's what this is about.                  9 Roger Muncy, in his own way, has stated how                  10 he feels, what he would like to do as a remedy. But if the                  11 remedy is to destroy all those people, then that law is an                  12 ass.                  13 HEARING EXAMINER: Does anyone have                  14 anything further to offer?                  15 MR. LOWNY: No, sir.                  16 HEARING EXAMINER: One minor thing before                  17 we close, there was a minor typo on the original Notice as                  18 to the city.                  19 Would you mind if I make a pen and ink amendment to that                  20 to strike out the misspelling of Main.                  21 MR. LOWNY: It should be Man.                  22 HEARING EXAMINER: It should be Man. Does                  23 anybody have any objection to that? I'll make the                  24 correction while I'm here. Okay, the director of industry                  25 operations for the Louisville Field Division of the Bureau</p>
<p>PROCEEDINGS Page 166</p> <p>1 even if you believe that there was absolutely no knowledge                  2 or involvement on the part of the Muncys, legally, Mrs.                  3 Muncy is responsible for what took place in the store. And                  4 again, there is a history prior to this of violations and                  5 warnings about it.                  6 So that's all I have.                  7 HEARING EXAMINER: Does the Licensee have                  8 any closing statements?                  9 MR. CAGLE: I do. I do.                  10 LICENSEE CLOSING STATEMENTS                  11 MR. CAGLE: You know, Dickens says, the                  12 law's an ass and this may be representative of what he                  13 wrote about centuries ago. What you have is an effort to                  14 put people out of business. Individuals who have families,                  15 make them unemployed, because of one bad apple who took                  16 advantage of the fact that the man who thought of him as a                  17 son, had a stroke and couldn't keep up with what was going                  18 on. Took advantage of a lady, Louise Muncy, who had to                  19 fill in for her husband in the business.                  20 Now, you know what, you can come in and                  21 offer a pot full of hearsay and prove that you didn't need                  22 to prove violations by an individual. It's not these                  23 individuals. It's not the -- it's not the 90 percent                  24 owner. So that there ought to be a remedy, short of                  25 destroying at least five lives, from making them unemployed</p>	<p>PROCEEDINGS Page 168</p> <p>1 of Alcohol, Tobacco, Fire and Explosives will make the                  2 final decision on your license based on this hearing. If                  3 the decision is that the license is not revoked, you will                  4 receive a written notice that he has made that decision.                  5 In the event that the DIO reaches the                  6 decision that the license is to be revoked, you will                  7 receive a Final Notice of Revocation of License on ATF Form                  8 4501 and a copy of the Findings and Conclusions of the DIO.                  9 If you do receive a Final Notice of Revocation on ATF Form                  10 4501, you may file a request in Federal District Court in                  11 the district where you conduct business under the                  12 provisions of Section 923(f)(3), Title 18, United States                  13 Code for a de novo review. This request is to be submitted                  14 within 30 - - I'm sorry, within 60 days of your receipt of                  15 the ATF Form 4501.                  16 Mrs. Muncy and Mr. Cagle, do you have                  17 anything further to add or offer?                  18 MR. CAGLE: I do not. Louise?                  19 MRS. MUNCY: No.                  20 HEARING EXAMINER: Does anyone have                  21 anything further to add before I close the hearing?                  22 MR. LOWNY: Nothing from the Government.                  23 MR. MUNCY: He said we'll get a notice                  24 within --                  25 MR. CAGLE: Yeah, I'll tell you about that.</p>

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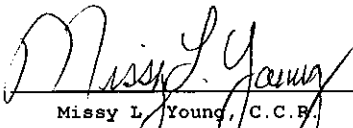
1 HEARING EXAMINER: The time is  
2 approximately 1:55 p.m. I declare this hearing closed.  
3  
4 (WHEREUPON, the proceeding was concluded.)  
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STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, TO-WIT:

I, Missy L. Young, Certified Court Reporter and  
Notary Public in and for the State of West Virginia, do  
hereby certify that the foregoing is a true and accurate  
record of the proceedings had on the 13th day of September  
2016, in the matter of The United States Department of  
Justice, Bureau of Alcohol, Tobacco, Firearms and  
Explosives versus Uncle Sam's Loans, Inc., FFL#4-55-045-  
5E-08677, as reported by me.

Given under my hand this 27<sup>th</sup> day of September,  
2016.

  
Missy L. Young, C.C.R.  
My commission expires on April 15, 2018.

MISSY L. YOUNG, C.C.R. 304-539-6192

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STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to-wit:

I, Missy L. Young, Certified Court Reporter  
and Notary Public for the State of West Virginia, do hereby  
verify that the foregoing transcript meets the requirements  
of the Code of West Virginia, Chapter 51, Article 7,  
Section 4, and all rules pertaining thereto, as promulgated  
by the Supreme Court of Appeals.

Missy L. Young, C.C.R.  
Notary Public for the State of West Virginia

MISSY L. YOUNG, C.C.R. 304-539-6192

OFFICIAL SEAL  
Notary Public, State Of West Virginia  
MISSY LYOUNG CCR  
PO Box 13622  
Sissonville, WV 25360  
My Commission Expires April 15, 2018

	<b>accept (5)</b> 14:18;23:14;34:24; 35:3;63:2	<b>add (2)</b> 168:17;21	<b>afford (1)</b> 104:21	97:1;108:5
<b>\$</b>		<b>addicted (1)</b> 30:7	<b>afraid (1)</b> 152:12	<b>alleged (4)</b> 34:3;50:13;82:2; 164:24
<b>\$10,000 (1)</b> 22:2	<b>accepted (16)</b> 15:17;31:12;33:5; 39:8;40:9;47:5;51:20; 56:8;57:21;58:12; 60:15;65:8;81:7;84:1; 102:25;103:8	<b>addiction (4)</b> 30:15;20:48;19; 106:10	<b>AFT (4)</b> 10:15;16:15;116:10; 158:6	<b>allegedly (1)</b> 26:6
<b>\$100 (1)</b> 158:17		<b>addition (1)</b> 20:3	<b>afterwards (2)</b> 98:16;132:15	<b>Allen (11)</b> 7:21;21;8:1,1,3,6,9; 35:2;55:9;121:20; 135:25
<b>\$15,000 (1)</b> 19:17	<b>accepting (1)</b> 57:16	<b>address (15)</b> 12:19;59:13,14,17, 23,24;60:1,6,7;94:23; 95:22,23;96:1;158:8; 162:11	<b>again (18)</b> 32:16;33:20;34:19; 35:16;39:16;42:16; 66:12;81:16;82:1; 85:24;88:6;89:8;95:20; 99:15;141:12,15; 165:9;166:4	<b>A-l-l-e-n (1)</b> 8:2
<b>\$20 (2)</b> 123:19;124:4	<b>according (3)</b> 35:17;61:19;95:3	<b>ADKINS (105)</b> 7:5,5,8,8,10,12; 18:12,24;21:19;22:1,6, 9,12;24:15,18,21; 25:16;29:10,11,16,24; 30:7,11,15;32:4,9;34:9, 11,21;35:18;38:4,16, 17,20;39:18;40:21; 49:24;50:6,7,10,12,14, 18,18,20;51:11;52:5, 11;54:8;55:14;56:7,18, 19;57:3,6,8,21;58:12; 61:6,11,19;72:14; 74:23;87:1;92:20;93:3, 9;94:1;97:2,14,21; 98:2,5;99:9,24;100:10; 101:16,20;102:8; 103:19;104:7,24; 105:2,14;106:5; 107:24;108:2,4,11; 109:18;110:17;113:14; 116:25;118:15;134:11; 135:11;141:14;142:1; 144:12;145:10;152:5; 156:11;160:6;163:8; 165:24	<b>age (1)</b> 27:10	<b>allow (2)</b> 21:8;22:23
<b>\$20,000 (1)</b> 55:21	<b>account (1)</b> 95:12		<b>ages (1)</b> 137:7	<b>allowed (2)</b> 72:7;100:2
<b>\$200 (1)</b> 151:20	<b>accumulating (1)</b> 93:10		<b>Agent (28)</b> 10:3,11;16:6,14,15, 16;32:3;34:21;37:20; 39:20;43:11;44:23; 47:20;50:5;51:13,16; 52:10;56:7;57:2;75:8; 78:2;79:2;84:7;113:1; 116:16;121:22;147:22; 162:2	<b>alluded (1)</b> 73:4
<b>\$50 (3)</b> 119:6;158:14,17	<b>accuracy (1)</b> 28:10		<b>ago (12)</b> 72:10;92:18;95:11; 104:5,23;108:1; 121:22;127:16,16; 159:5;161:18;166:13	<b>almost (2)</b> 136:5;152:11
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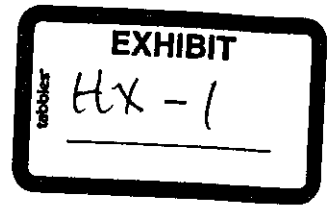
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U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

2600 Century Parkway, N.E.



July 14, 2016

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701140:crb  
5340

Mr. Claude Maraist  
1907 Duke Drive  
Richardson, TX 75081

Dear Mr. Maraist.

You have been assigned as the Hearing Officer in the case of Uncle Sam's Loans, Inc., 200 Main Street, Man, West Virginia 25635. Federal Firearms License Number 4-55-045-02-5E-08677.

The Director Industry Operations Louisville Field Division or their designate will contact you to schedule a date and time for the hearing that is acceptable to all parties. This hearing will be held in Charleston, West Virginia.

At the conclusion of the hearing, please submit a hard copy of your report and all attachments and exhibits, a CD containing your report and audio recordings of the hearing and a copy of your completed invoice for payment to me at 775 Singley Drive, Lawrenceville, Georgia 30044.

If I can be of assistance to you, please feel free to contact me at (770) 736-8699.

Charles R. Bartlett

Attachments:

## ATF Form 4500, Notice of Revocation of License

Uncle Sam's Loans Inc.

200 Main Street

Main, West Virginia 25635

4-55-045-02-5E-08677

Under the provisions of 18 U.S.C. § 923(e) and 27 C.F.R. § 478.73, notice is hereby given of the revocation of the Federal firearms license specified above, in that the Director, Industry Operations, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Louisville Field Division, has reason to believe that Uncle Sam's Loans Inc. ("Licensee"), 200 Main Street, Main, West Virginia 25635, a Dealer, including Pawnbroker, in Firearms Other than Destructive Devices, willfully violated the provisions of the Gun Control Act of 1968, as amended, 18 U.S.C. Chapter 44, and the regulations issued thereunder, 27 C.F.R. Part 478.

### Compliance History

ATF issued a Federal firearms license to the Licensee following a qualification inspection conducted in 1982. ATF conducted compliance inspections of the Licensee in 1990, 1991, 2007, 2008 and 2014. Following each compliance inspection ATF issued a Report of Violations to the Licensee. Following the 2007, 2008 and 2014 compliance inspections, the Licensee attended Warning Conferences with ATF at which point the cited violations and proposed corrective actions were discussed. Following each Warning Conference, ATF sent the Licensee a letter advising that "any future violations, either repeat or otherwise, could be viewed as willful and may result in revocation of [its] license.

As a result of a criminal investigation in the Licensee in 2015, the following willful violations were disclosed:

### Violations

#### Transfer in Violation of Law

1. The Licensee, by and through its agents and employees, willfully sold or delivered a firearm to a person the Licensee knew or had reasonable cause to believe was subject to a Federal firearms disability, in violation of 18 U.S.C. § 922(d) and 27 C.F.R. § 478.99(c). See Appendix A, § 1.

#### Falsified Statement in Records

2. The Licensee, by and through its agents and employees, willfully made false statements or representations with respect to any information required by the provisions of Title 18, United States Code, Chapter 44 or Title 27, Code of Federal Regulations, Part 478, on 22 occasions, in violation of 18 U.S.C. § 922(m) and 27 C.F.R. § 478.128(c). See Appendix A, § 2.



ATF Form 4500, Notice of Revocation of License

Transfers on ATF Form 4473 to Christina Deer

9/26/2009	Item 34
11/13/2009	Item 34
1/21/2010	Item 34
11/4/2010	Item 34

Transfers on ATF Form 4473 to Scott Ellis

11/3/2009	Items 26-30 and Item 34;
2/4/2010	Item 34
3/10/2010	Item 34
8/19/2010	Item 34
8/28/2010	Item 34
12/9/2010	Item 34
4/8/2011	Items 26-30 and Items 33-34
3/23/2010	Items 26-30.

## EXPLANATION OF THE HEARING PROCESS

weapons to the hearing. The hearing will not begin, or will cease, if it is determined this policy has been violated.

The hearing is generally scheduled not later than 90 days from the date of the letter notifying you of the date, time, and location of the hearing. There are, however, limited circumstances that may require the hearing to be rescheduled for good cause, as determined by the DIO.

The hearing itself is informal in nature, and adherence to civil court rules and procedures is not required. There is no sworn testimony and formal courtroom procedures are not required. The hearing is recorded via audiotape recorder. The resulting tape, along with exhibits presented at the hearing, constitute the official record of the hearing.

*ATF does not videotape the hearing proceedings and you will not be allowed to videotape the hearing.* You may make an audiotape recording of the proceedings, or have the proceedings recorded by a stenographer at your own expense, provided this recording is not disruptive to the proceedings. However, the ATF recording of the hearing is the official record of the proceeding.

### Hearing Officer

The hearing officer is designated by ATF. The selection of the hearing officer is dependent upon a number of factors, including the nature of your case. A hearing officer will be selected who has no prior knowledge of your case and has had no interactions with you or your licensed operations. In most cases, the assigned hearing officer will come from outside the

ATF field division in which your licensed business is located.

### Conduct of the Hearing

The hearing officer will ensure the proceedings are conducted in an orderly and professional manner. The purpose of the hearing is to allow both parties to fully present all relevant evidence and arguments regarding the denial or revocation of a license or permit. Most hearings require less than a single day to complete.

The government will be represented by an attorney and will present its evidence first. The government will generally call as a witness the ATF industry operations investigator(s) who conducted your application or compliance inspection, or other ATF employees who have relevant information concerning your case.

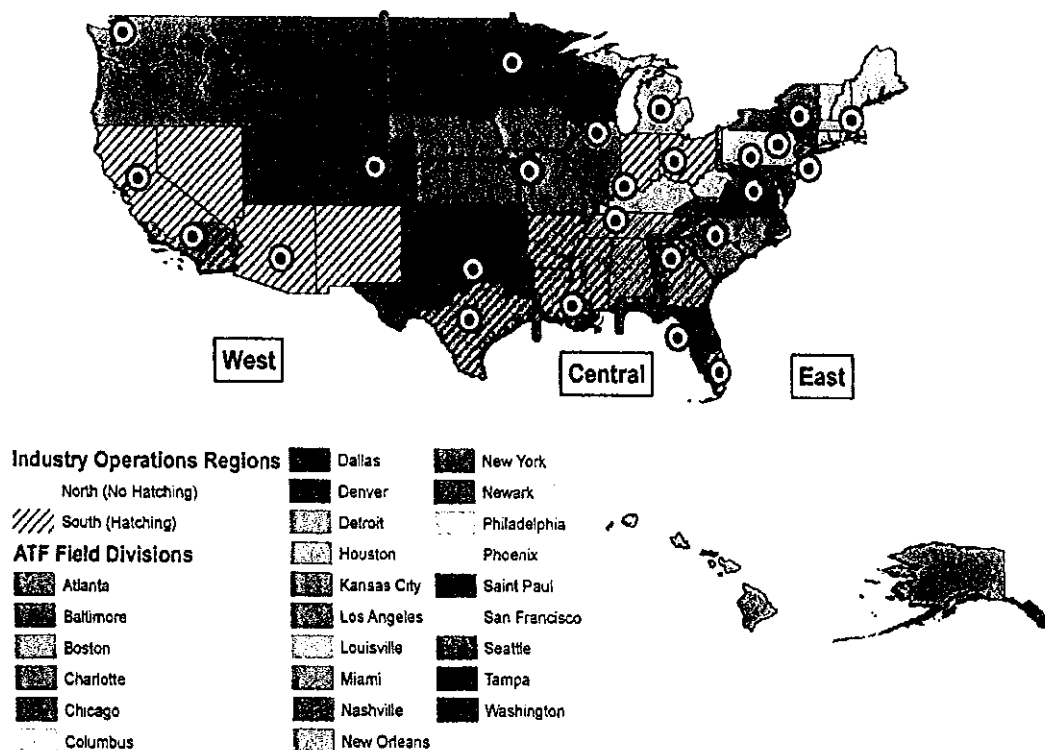
At the conclusion of the government's presentation, you will have the opportunity to respond. Make sure you state your case as clearly and factually as possible. The case you present will receive the same consideration by the hearing officer as the government's case. Be willing and prepared to address each violation described in the Notice you received. You may call witnesses. Your witnesses should be able to speak to the findings in the Notice, and may be, for example, the store manager, an employee, bookkeeper, or clerk. You may also present relevant evidence. Relevant evidence is evidence which tends to prove or disprove an issue at the hearing, such as whether the alleged violation occurred as stated in the Government's Notice of Denial or Revocation.

## EXPLANATION OF THE HEARING PROCESS

If you have any questions concerning the hearing, please contact the DIO for the ATF division in which you are located.

Atlanta, GA	(404) 417-2600	Miami, FL	(305) 597-4800
Baltimore, MD	(443) 965-2000	Nashville, TN	(615) 565-1400
Boston, MA	(617) 557-1200	New Orleans, LA	(504) 841-7000
Charlotte, NC	(704) 716-1800	New York, NY	(646) 335-9000
Chicago, IL	(312) 846-7200	Newark, NJ	(973) 413-1179
Columbus, OH	(614) 827-8400	Philadelphia, PA	(215) 446-7800
Dallas, TX	(469) 227-4300	Phoenix, AZ	(602) 776-5400
Denver, CO	(303) 575-7600	San Francisco, CA	(925) 557-2800
Detroit, MI	(313) 202-3400	Seattle, WA	(206) 204-3205
Houston, TX	(281) 716-8200	St. Paul, MN	(651) 726-0200
Kansas City, MO	(816) 559-0700	Tampa, FL	(813) 202-7300
Los Angeles, CA	(818) 265-2500	Washington, DC	(202) 648-8020
Louisville, KY	(502) 753-3400		

## ATF Field Divisions





U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

600 Dr. Martin Luther King Jr. Place, Suite 500  
Louisville, KY 40202

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www.atf.gov

July 28, 2016

775000:CR  
5370

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

James M. Cagle  
Attorney at Law  
1200 Boulevard Tower  
1018 Kanawha Boulevard, East  
Charleston, West Virginia 25301

FFL #4-55-045-5E-08677

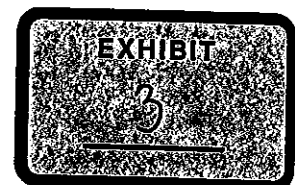
Dear Mr. Cagle:

This letter is in response to a request, on behalf of your client, Uncle Sam's Loans Inc., for a hearing regarding the Notice of Revocation, ATF F 4500, issued on June 7, 2016. This confirms a mutually agreed hearing date of September 13, 2016 at 10:00 A.M. at the Charleston Field Office, located at 300 Summers Street, Suite 1400, Charleston, West Virginia 25301.

You may bring witnesses with you and/or documentary evidence that you wish to have considered in support of your position. Prior to the hearing, please mark and number each piece of evidence as "Applicant's Exhibit #\_\_" and bring three (3) copies of each exhibit; one for yourself, one for the Government attorney and one for the hearing officer. Also please note that video or audio tapes will not be accepted as exhibits unless a complete written transcript is included.

This hearing, which will be informal in nature, will be conducted under the provisions of Section 923(f)(2) of Title 18, United States Code and Section 478.74 of Title 27 of the Code of Federal Regulations. Attorney Mark J. Lowney, Louisville Field Division Counsel, will represent the government. The proceedings will be recorded by the hearing officer.

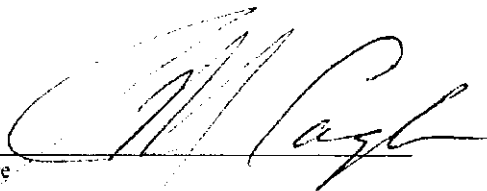
Please sign and date the enclosed statement confirming the date and time of the hearing and return it to this office in the enclosed, preaddressed envelope as soon as possible.

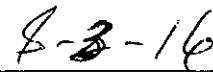


James M. Cagle  
Attorney at Law  
1200 Boulevard Tower  
1018 Kanawha Boulevard, East  
Charleston, West Virginia 25301

FFL #4-55-045-5E-08677

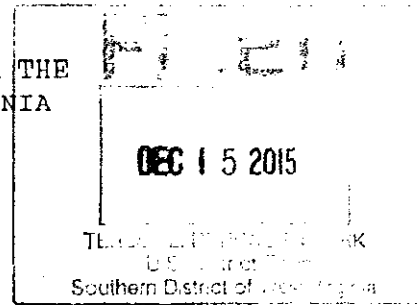
I hereby confirm the date and time of the hearing set for Tuesday, September 13, 2016 at 10:00 A.M. at the Charleston Field Office. This office is located at 300 Summers Street, Suite 1400, Charleston, West Virginia 25301.

  
Signature

  
Date



UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON GRAND JURY 2014  
DECEMBER 15, 2015 SESSION



UNITED STATES OF AMERICA

v.

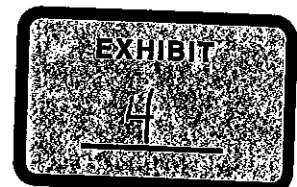
CRIMINAL NO. 2015-00245  
18 U.S.C. § 924(a)(1)(A)  
18 U.S.C. § 2(a)

STEVEN ADKINS  
AKA "NOODLE"

I N D I C T M E N T

The Grand Jury Charges:

1. On or about December 21, 2010, in or near Man, Logan County, West Virginia, and within the Southern District of West Virginia, defendant STEVEN ADKINS knowingly aided, abetted, counseled, commanded, induced, and procured the commission of an offense against the United States, that is, a violation of 18 U.S.C. § 924(a)(1)(A), by a person known to the Grand Jury (the "Known Person"), in that defendant STEVEN ADKINS directed and induced the Known Person to make false statements and representations with respect to the information required by Chapter 44 of Title 18, United States Code, to be kept in the records of a person licensed under Chapter 44 ("federal firearms licensee"), that is, Uncle Sam's Loans, Inc. ("Uncle Sam's"). At





**United States Department of Justice**

**United States Attorney  
Southern District of West Virginia**

**TERESA L. DEPPNER, CLERK**  
U.S. District Court  
Southern District of West Virginia

Robert C. Byrd United States Courthouse  
300 Virginia Street, East  
Suite 4000  
Charleston, WV 25301  
1-800-659-8726

Mailing Address  
Post Office Box 1713  
Charleston, WV 25326  
304-345-2200  
FAX: 304-347-5104

February 17, 2016

Gregory Campbell  
105 Capitol Street  
Suite 300  
Charleston, West Virginia 25301

Re: United States v. Steven Adkins  
Criminal No. 2:15-00245

Dear Mr. Campbell:

This will confirm our conversations with regard to your client, Steven Adkins (hereinafter "Mr. Adkins"). As a result of these conversations, it is agreed by and between the United States and Mr. Adkins as follows:

1. **PENDING CHARGES.** Mr. Adkins is charged in a single-count indictment which charges him with a violation of 18 U.S.C. §§ 924(a)(1)(A) and (2) (making and aiding and abetting a false statement relating to firearms purchases).

2. **RESOLUTION OF CHARGES.** Mr. Adkins will plead guilty to the single-count indictment, which charges him with a violation of 18 U.S.C. §§ 924(a)(1)(A) and (2) (making and aiding and abetting a false statement relating to firearms purchases).

3. **MAXIMUM POTENTIAL PENALTY.** The maximum penalty to which Mr. Adkins will be exposed by virtue of this guilty plea is as follows:

- (a) Imprisonment for a period of 5 years;
- (b) A fine of \$250,000, or twice the gross pecuniary gain or twice the gross pecuniary loss resulting from defendant's conduct, whichever is greater;

SIA  
Defendant's  
Initials

Gregory Campbell  
February 17, 2016  
Page 3

Re: Steven Adkins

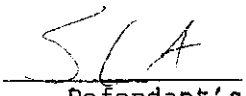
all inquiries made pursuant to this agreement, and will give signed, sworn statements and grand jury and trial testimony upon request of the United States. In complying with this provision, Mr. Adkins may have counsel present except when appearing before a grand jury. Further, Mr. Adkins agrees to be named as an unindicted co-conspirator and unindicted aider and abettor, as appropriate, in subsequent indictments or informations.

7. **USE IMMUNITY.** Unless this agreement becomes void due to a violation of any of its terms by Mr. Adkins, and except as expressly provided for in paragraph 9 below, nothing contained in any statement or testimony provided by him pursuant to this agreement, or any evidence developed therefrom, will be used against him, directly or indirectly, in any further criminal prosecutions or in determining the applicable guideline range under the Federal Sentencing Guidelines.

8. **LIMITATIONS ON IMMUNITY.** Nothing contained in this agreement restricts the use of information obtained by the United States from an independent, legitimate source, separate and apart from any information and testimony provided pursuant to this agreement, in determining the applicable guideline range or in prosecuting Mr. Adkins for any violations of federal or state laws. The United States reserves the right to prosecute Mr. Adkins for perjury or false statement if such a situation should occur pursuant to this agreement.

9. **STIPULATION OF FACTS AND WAIVER OF FED. R. EVID. 410.** The United States and Mr. Adkins stipulate and agree that the facts comprising the offense of conviction and relevant conduct include the facts outlined in the "Stipulation of Facts," a copy of which is attached hereto as "Plea Agreement Exhibit A."

Mr. Adkins agrees that if he withdraws from this agreement, or this agreement is voided as a result of a breach of its terms by him, and he is subsequently tried on any of the charges in the indictment, the United States may use and introduce the Stipulation of Facts in the United States case-in-chief, in cross-examination of Mr. Adkins

  
Defendant's  
Initials


Re: Steven Adkins

SCA  
Defendant's  
Initials

Re: Steven Adkins


Acknowledged and agreed to on behalf of the United States:

CAROL A. CASTO  
Acting United States Attorney

By:   
ERIK S. GOES  
Assistant United States Attorney

ESG / smw

I hereby acknowledge by my initials at the bottom of each of the foregoing pages and by my signature on the last page of this seven-page agreement that I have read and carefully discussed every part of it with my attorney, that I understand the terms of this agreement, and that I voluntarily agree to those terms and conditions set forth in the agreement. I further acknowledge that my attorney has advised me of my rights, possible defenses, the Sentencing Guideline provisions, and the consequences of entering into this agreement, that no promises or inducements have been made to me other than those in this agreement, and that no one has threatened me or forced me in any way to enter into this agreement. Finally, I am satisfied with the representation of my attorney in this matter.

  
Steven Adkins  
Defendant

2-19-16  
Date Signed

Gregory J. Campbell  
Gregory Campbell  
Counsel for Defendant

18 FEB 2016  
Date Signed




The false statements and representations pertained to whether the Known Person was the actual transferee/buyer of the particular firearms listed on the Forms 4473, and whether the Known Person was an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or other controlled substance. On each Form 4473 involving the Known Person, the Known Person stated and certified that he was the actual transferee/buyer and that he was not an unlawful user of or addicted to any controlled substance. In fact, however, at the time he filled out each Form 4473, the Known Person was an unlawful user of, and was addicted to, opiate pills, a controlled substance and narcotic drug. Furthermore, for each firearms transaction, the Known Person was not the actual transferee/buyer. These types of transactions, where the person representing that he or she is the actual buyer or transferee of a firearm, but is not in fact the actual buyer or transferee, are commonly known as "straw purchases."

Mr. Adkins directed the Known Person to fill out the Form 4473. The Known Person often accompanied Mr. Adkins when Mr. Adkins transferred firearms to the actual transferee/buyer.

From approximately late-2009 through late-2011, Mr. Adkins and the Known Person carried out at least 13 straw purchases. During this period, Mr. Adkins knew that the Known Person was an unlawful user of, and was addicted to, controlled substances, and knew as well that the Known Person was not the actual transferee/buyer for any of the firearms transactions.


Mr. Adkins also arranged for straw purchases to be conducted using people other than the Known Person. From late 2008 through August 2014, Mr. Adkins conducted and carried out illegal straw purchases of over 50 firearms, on firearms transactions recorded on Forms 4473 that were kept by Uncle Sam's.

In the case of all of the straw purchases conducted by Mr. Adkins, both with the Known Person and with others, the firearms listed on the Forms 4473 were manufactured outside of West Virginia and were transferred to individuals other than the individuals listed on the Forms 4473. All of the firearms met the definition of firearm listed in 18 U.S.C. § 921(a)(3).


  
Defendant's  
Initials

PLEA AGREEMENT EXHIBIT A

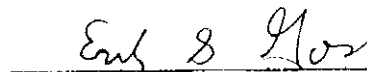
Stipulated and agreed to:

  
STEVEN ADKINS  
Defendant

2/19/16  
Date

  
GREGORY CAMPBELL  
Counsel for Defendant

18 FEB 2016  
Date

  
ERIK S. GOES  
Assistant United States Attorney

2/17/16  
Date

\_\_\_\_\_  
Defendant's  
Initials

PLEA AGREEMENT EXHIBIT A

I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature

17. Certification Date

12-21-10

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☒ Long Gun ☐ Other Firearm (Frame, Receiver, etc.  
(rifles or shotguns) See Instructions for Question 18.)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

For Use by:

Trade/corp used.)

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)

Type(s) of Document

Date(s) of residence indicated on documents

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

certify that n  
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## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month Day Year  
12 21 2010

21b. The NICS or State transaction number (if provided) was:

1P7R-434

21c. The response initially provided by NICS or the appropriate State agency was:

☒ Proceed ☐ Delayed  
☐ Denied ☐ Cancelled  
(The firearm(s) may be transferred on  
(MDI date provided by NICS)  
if State law permits (optional))

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐ Proceed (date)  
☐ Denied (date)  
☐ Cancelled (date)  
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency: (date).

☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

25. Recertification Date

12-21-10

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0020

## Firearms Transaction Record Part I - Over-the-Counter

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

Form is original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on form. **"PLEASE PRINT."**

### Section A - Must Be Completed Personally By Transferee (Buyer)

Transferee's Full Name  
Name

First Name Middle Name (If no middle name, state "NMN")

Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address City County State ZIP Code

Place of Birth  
City and State -OR- Foreign Country

4. Height 5. Weight 6. Gender 7. Birth Date  
Ft. In. (Lbs.) Male Female Month Day Year

Social Security Number (Optional, but will help prevent misidentification) 9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐ American Indian or Alaska Native ☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander  
☐ Hispanic or Latino ☐ Asian ☒ White

Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.

Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)

Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)

Are you a fugitive from justice?

Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?

Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)

Have you been discharged from the Armed Forces under dishonorable conditions?

Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)

Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)

Have you ever renounced your United States citizenship?

Are you an alien illegally in the United States?

Are you a nonimmigrant alien? (See Instructions for Question 11.i.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.

If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.i. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.

What is your State of residence (if any)? (See Instructions for Question 13.)

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.) ☒ United States of America ☐ Other (Specify)

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

Previous Editions Are Obsolete Transferee (Buyer) Continue to Next Page  
1 of 6 STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised August 2008

## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Graber	Pro Court	KR118434	P-371	45
30a. Total Number of Firearms (Please <i>handwrite</i> by printing e.g., one, two, three, etc. Do not use numerals.)			30b. Is any part of this transaction a Pawn Redemption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
30c. For Use by FFL (See Instructions for Question 30c.)				

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
<p style="text-align: center;">Uncle Sam's Loans, Inc. 200 Main Street 455-045-02-2E-08677 Man, West Virginia 25635</p>	

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions of ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
John Hopkins	[Signature]	Owner	12/21/16

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are signed so that a person licensed under 18 U.S.C. § 923 may determine if he/she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. Determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and buyer's State.

After the seller has completed the firearms transaction, he or she must make a copy of the completed original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transfer's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

ATF Form 4473 (5300.9) Part I  
Revised August 2008



I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/ Buyer's Signature

17. Certification Date

12-21-10

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☒ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc.)  
See Instructions for Question 18.)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

MDL

F111232

8

17

2010

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20c.)

Type(s) of Document

Date(s) of residence indicated on documents

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month  
12Day  
24Year  
2010

21b. The NICS or State transaction number (if provided) was:

1PRR-434

21c. The response initially provided by NICS or the appropriate State agency was:

☒ Proceed ☐ Delayed  
☐ Denied ☐ Cancelled

[The firearm(s) may be transferred on  
(MDI) date provided by NICS)  
if State law permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐ Proceed (date)  
☐ Denied (date)  
☐ Cancelled (date)  
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency:

(date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/ Buyer's Signature

25. Recertification Date

12-21-10

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If the buyer's name in question 1. is illegible, the seller must print the buyer's name above the name written by the buyer.

**Question 2. Current Residence Address:** U.S. Postal abbreviations are acceptable. (e.g., St., Rd., Dr., Pk., NC, etc.). Address cannot be a post office box. County and Parish are one and the same.

If the buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his or her permanent duty station is located, but does not reside at his or her permanent duty station, the buyer must list both his or her permanent duty station address and his or her residence address in response to question 2. If you are a U.S. citizen with two States of residence, you should list your current residence address in response to question 2 (e.g., if you are buying a firearm while staying at your weekend home in State X, you should list your address in State X in response to question 2).

**Question 9. Unique Personal Identification Number (UPIN):** For purchasers approved to have information maintained about them in the FBI NICS Voluntary Appeal File, NICS will provide them with a Unique Personal Identification Number, which the buyer should record in question 9. The licensee may be asked to provide the UPIN to NICS or the State.

**Question 10. Race (Ethnicity):** Any other race or ethnicity that does not fall within those indicated, please select the closest representation.

**Question 11.a. Actual Transferee/Buyer:** For purposes of this form, you are the actual transferee/buyer if you are purchasing the firearm for yourself or otherwise acquiring the firearm for yourself (e.g., redeeming the firearm from pawn/retrieving it from consignment, firearm raffle winner). You are also the actual transferee/buyer if you are legitimately purchasing the firearm as a gift for a third party. **ACTUAL TRANSFEREE/BUYER EXAMPLES:** Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is **NOT THE ACTUAL TRANSFEREE/BUYER** of the firearm and must answer "NO" to question 11.a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown goes to buy a firearm with his own money to give to Mr. Black as a present, Mr. Brown is the actual transferee/buyer of the firearm and should answer "YES" to question 11.a. However, you may not transfer a firearm to any person you know or have reasonable cause to believe is prohibited under 18 U.S.C. § 922(g), (n), or (x). Please note: **EXCEPTION:** If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.

**Question 11.b. - 11.i. Definition of Prohibited Person:** Generally, 18 U.S.C. § 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a misdemeanor crime of domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (this does not include State misdemeanors punishable by imprisonment of two years or less); is a fugitive from justice; is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated mentally defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; has renounced his or her U.S. citizenship; is an alien illegally in the United States or a nonimmigrant alien; or is subject to certain restraining orders. Furthermore, section 922 prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony, or any other crime, punishable by imprisonment for a term exceeding one year.

**Question 11.b. Under Indictment or Information or Convicted in any Court:** An indictment, information, or conviction in any Federal, State, or local court. An information is a formal accusation of a crime verified by a prosecutor.

**EXCEPTION to 11.c. and 11.i:** A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (the right to vote, sit on a jury, and hold public office) taken away and later restored AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should answer "no" to 11.c. or 11.i., as applicable.

Page 4 of 6

**Question 11.f. Adjudicated Mentally Defective:** A determination by a court, board, commission, or other lawful authority that a person, as a result of subnormal intelligence, or mental illness, incompetency, condition, or disease (1) is a danger to himself or to others; or (2) lacks the mental capacity to conduct or manage his own affairs. This term shall include: (1) a finding of insanity in a criminal case; and (2) Those persons found incompetent to stand trial, found not guilty by reason of lack of mental responsibility.

**Committed to a Mental Institution:** A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution. Please also refer to Question 11.c. for the definition of a prohibited person.

**EXCEPTION to 11.f. NICS Improvement Amendments Act of 2007:** A person who has been adjudicated as a mental defective or committed to a mental institution is not prohibited if: (1) the person was adjudicated or committed to a department or agency of the Federal Government, such as the United States Department of Veterans Affairs ("VA") (as opposed to a State court, State or other lawful State authority); and (2) either: (a) the person's adjudication/commitment for mental incompetency was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; or (c) the person was found by the agency to no longer suffer from individual mental health condition that served as the basis of the initial adjudication. Persons who fit this exception should answer "no" to Item 11.f. This exception does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

**Question 11.b. Definition of Restraining Order:** Under 18 U.S.C. § 922, a firearm may not be sold to or received by persons subject to a court order that (A) was issued after a hearing which the person received actual notice of and which restrained such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. An "intimate partner" means the spouse or former spouse of the person, the parent of a child of the person, or an individual who cohabitates or cohabitating with the person.

**Question 11.i. Definition of Misdemeanor Crime of Domestic Violence:** A Federal, State, local, or tribal offense that is a misdemeanor under Federal, State, local, or tribal law and has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., assault and battery), if the offense is committed by one of the defined parties. (See Exception to 11.c. and 11.i.) A person who has been convicted of a misdemeanor crime of domestic violence is not prohibited unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury trial, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should answer "no" to 11.i.

**Question 11.j. "Nonimmigrant Alien":** An alien in the United States in a nonimmigrant classification. The definition includes, among others, persons traveling temporarily in the United States for business or pleasure, persons in the United States who maintain a residence abroad, and certain foreign workers. The definition does NOT include permanent resident aliens.

**Sale of Firearms to Legal Aliens:** Even if a nonimmigrant alien can establish that he or she has a U.S.-issued alien number or admission number and has resided in a State for at least 90 continuous days immediately prior to the date of sale.

if the buyer has completed Section A of the form and the licensee has completed questions 18-20, and before transferring the firearm, the licensee must contact NICS (read below for NICS check exceptions.) However, the licensee should NOT contact NICS and should stop the transaction if: the buyer answers "no" to question 11.a.; the buyer answers "yes" to any question in b.-11.i., unless the buyer only has answered "yes" to question 11.i. and answers "yes" to question 12; or the buyer is unable to provide the documentation required by question 20.a, b, c, or d.

the time that NICS is contacted, the licensee must record in question 21.a. the date of contact, the NICS (or State) transaction number, and the initial response provided by NICS or the State. The licensee may record the Missing Position Information (MDI) date in 21.c. that NICS provides for delayed transactions (States do not provide this number). If the licensee receives a "delayed" response, before transferring the firearm, the licensee must record question 21.d. any response later provided by NICS or the State or that no solution was provided within 3 business days. If the licensee receives a response from NICS or the State after the firearm has been transferred, he or she must record this information in question 21.e. Note: States acting as agents of contact for NICS checks may use terms other than "proceed," "delayed," "cancelled," or "denied." In such cases, the licensee should check box that corresponds to the State's response. Some States may not provide a transaction number for denials. However, if a firearm is transferred within three business day period, a transaction number is required.

**NICS Responses:** If NICS provides a "proceed" response, the transaction may proceed. If NICS provides a "cancelled" response, the seller is prohibited from transferring the firearm to the buyer. If NICS provides a "denied" response, the seller is prohibited from transferring the firearm to the buyer. If NICS provides a "delayed" response, the seller is prohibited from transferring the firearm unless 3 business days have elapsed and, before the transfer, NICS or the State has not advised the seller that the buyer's receipt or possession of the firearm would be in violation of law. (See 27 CFR § 478.102(a) an example of how to calculate 3 business days.) If NICS provides a "delayed" response, NICS also will provide a Missing Disposition Information (MDI) date that calculates the 3 business days and reflects when the firearm(s) can be transferred under Federal law. States may not provide an MDI date. Please note State law may impose a waiting period on transferring arms.

**EXCEPTIONS TO NICS CHECK:** A NICS check is not required if the transfer qualifies for any of the exceptions in 27 CFR § 478.102(d). Generally, these include: (a) transfers where the buyer has presented the licensee with a permit or license that allows the buyer to possess, acquire, or carry a firearm, the permit has been recognized by ATF as a valid alternative to the NICS check requirements; (b) transfers of National Firearms Act weapons approved by ATF; or (c) transfers certified by ATF as exempt because compliance with NICS check requirements is impracticable. See 27 CFR § 478.102(d) for a detailed explanation. If the transfer qualifies for one of these exceptions, the licensee must obtain the documentation required by 27 CFR § 478.131. A firearm must not be transferred to any buyer who fails to provide such documentation.

#### Section C

**Section 24 and 25. Transfer on a Different Day and Recertification:** If the transfer takes place on a different day from the date that the buyer signed Section A, the licensee must again check the photo identification of the buyer at the time of transfer, and the buyer must complete the recertification in Section C at the time of transfer.

#### Section D

Immediately prior to transferring the firearm, the seller must complete all of the questions in Section D. In addition to completing this form, the seller must report any multiple sale or other disposition of pistols or revolver on Form 3310.4 (see 27 CFR § 478.126a).

**Section(s) 26, 27, 28, 29 and 30, Firearm(s) Description:** These blocks would be completed with the firearm(s) information. Firearms manufactured prior to 1968 should all be marked with a serial number. Should you acquire a firearm that is not marked with a serial number, you may answer question 28 with "NSN" (No Serial Number), "N/A" or "None."

If more than five firearms are involved in a transaction, the information required in Section D, questions 26-30, must be provided for the additional firearms on a separate sheet of paper, which must be attached to the ATF Form 4473 covering the transaction.

**Types of firearms include:** pistol, revolver, rifle, shotgun, receiver, frame, or other firearms that are not either handguns or long guns (rifles or shotguns), as firearms having a pistol grip that expel a shotgun shell or National Firearms Act (NFA) firearms.

Additional firearms purchases by the same buyer may not be added to the form after the seller has signed and dated it. A buyer who wishes to purchase additional firearms after the seller has signed and dated the form must complete a new Form 4473. The seller must conduct a new NICS check.

**Question 30c.** This box is for the FFL's use in recording any information that the seller finds necessary to conduct business.

**Question 32 Federal Firearms License Number:** Must contain at least the three and last five digits of the FFL number, for instance X-XX-XXXXX.

**Questions 33-35 Transferor/Seller's Information:** For "denied" and "cancelled" NICS transactions, the person who completed Section B must complete Section D, questions 33-35.

#### Privacy Act Information

Solicitation of this information is authorized under 18 U.S.C. § 923(g). Disclosure of the individual's Social Security number is voluntary. The number may be used to verify the buyer's identity.

#### Paperwork Reduction Act Notice

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the transferee to receive firearms under Federal law. The information is subject to inspection by ATF officers and is required by 18 U.S.C. §§ 922 and 923.

The estimated average burden associated with this collection is 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments about the accuracy of this burden estimate and suggestions for reducing it should be directed to Reports Management Officer, Document Services Section, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Confidentiality is not assured.

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0020

## Firearms Transaction Record Part I - Over-the-Counter

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (if any)

Fill in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on Form "PLEASE PRINT."

### Section A - Must Be Completed Personally By Transferee (Buyer)

Transferee's Full Name

Name

First Name

Middle Name (If no middle name, state "NMN")

Noel

Share

Tyler

Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Street and Street Address

City

County

State

ZIP Code

377 Cashman St

McAllister

Logan

WV

25634

Place of Birth

City and State

-OR-

Foreign Country

4. Height

Ft. 6

In. 5

5. Weight

(Lbs.) 225

6. Gender

Male ☒

Female ☐

7. Birth Date

Month 8

Day 17

Year 84

Social Security Number (Optional, but will help prevent misidentification)

283 35 9608

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☒ American Indian or Alaska Native

☐ Black or African American

☐ Native Hawaiian or Other Pacific Islander

☒ Hispanic or Latino

☐ Asian

☒ White

Answer questions 11.a. (see exceptions) through 11.l. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.

Yes ☒ No ☐

Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)

Yes ☐ No ☒

Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)

Yes ☐ No ☒

Are you a fugitive from justice?

Yes ☐ No ☒

Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?

Yes ☐ No ☒

Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)

Yes ☐ No ☒

Have you been discharged from the Armed Forces under dishonorable conditions?

Yes ☐ No ☒

Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)

Yes ☐ No ☒

Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)

Yes ☐ No ☒

Have you ever renounced your United States citizenship?

Yes ☐ No ☒

Are you an alien illegally in the United States?

Yes ☐ No ☒

Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.

Yes ☐ No ☒

If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.

Yes ☒ No ☐

What is your State of residence (if any)? (See Instructions for Question 13.)

WV

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)

☒ United States of America

☐ Other (Specify)

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

Previous Editions Are Obsolete

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised August 2008



Section D - Must Be Completed By Transferor (Seller)				
26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Praber	Pro Cont	KR118434	P-371	45
31. Total Number of Firearms (Please handwrite by printing e.g., one, two, three, etc. Do not use numerals.)			30b. Is any part of this transaction a Pawn Redemption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
30c. For Use by FFL (See Instructions for Question 30c.)				

Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days	
31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXXX) (Hand stamp may be used.)
<p align="center"><b>Uncle Sam's Loans, Inc.</b>  <b>200 Main Street 455-045-02-2E-08677</b>  <b>Man, West Virginia 25635</b></p>	
<p align="center"><b>The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.</b></p>	
<p>I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions of ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.</p>	
33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature
35. Transferor's/Seller's Title	36. Date Transferred

**NOTICES, INSTRUCTIONS AND DEFINITIONS**

**Purpose of the Form:** The information and certification on this form are required so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. Determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and buyer's State.

**When the seller has completed the firearms transaction, he or she must make a copy of the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or serial (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of buyer's certification) order.**

**If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.**

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF F 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

**Section A**

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

**When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.**

ATF Form 4473 (5300.9) Part I  
Revised August 2008



I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature

17. Certification Date

7-10-09

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☐ Handgun ☒ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

WV DL

F111232

8

17

2009

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)

Type(s) of Document

Date(s) of residence indicated on documents

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month

Day

Year

7

10

2009

21b. The NICS or State transaction number (if provided) was:

NP3-VKH

21c. The response initially provided by NICS or the appropriate State agency was:

☒

Proceed

☐

Delayed

☐

Denied

☐

Cancelled

[The firearm(s) may be transferred on \_\_\_\_\_ (MDI date provided by NICS) if State law permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐

Proceed \_\_\_\_\_ (date)

☐

Denied \_\_\_\_\_ (date)

☐

Cancelled \_\_\_\_\_ (date)

☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: \_\_\_\_\_ (date).

☐

Proceed

☐

Denied

☐

Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

Libby

(name)

4499

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

25. Recertification Date

7-10-09

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0020

# Firearms Transaction Record Part I - Over-the-Counter 9-15

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (if any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

24932

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name  
Last Name

Noel

First Name

Shane

Middle Name (If no middle name, state "NMN")

Tyler

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

37 Cashion Street

City

Mallory

County

Logan

State

WV

ZIP Code

26034

3. Place of Birth

U.S. City and State

Logan, WV

-OR-

Foreign Country

4. Height

Ft.

6

In.

4

5. Weight

(Lbs.)

225

6. Gender

Male ☒Female ☐

7. Birth Date

Month

Aug

Day

17

Year

1984

8. Social Security Number (Optional, but will help prevent misidentification)

233-35-9608

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐ American Indian or Alaska Native☐ Black or African American☐ Native Hawaiian or Other Pacific Islander☐ Hispanic or Latino☐ Asian☒ White

11. Answer questions 11.a. (See exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d. Are you a fugitive from justice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

13. What is your State of residence (if any)? (See Instructions for Question 13.)

WV

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.) ☒ United States of America

☐ Other (Specify)

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

Note: Previous Editions Are Obsolete

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised August 2008

## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
TAURUS	Judge	BU661484	Revolver	45/410

30a. Total Number of Firearms (Please handwrite by printing e.g., one, two, three, etc. Do not use numerals.) One

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX) (Hand stamp may be used.)
Uncle Sam's Loans, Inc. 200 Main Street Man, West Virginia 25635	455-045-02-2E-08677

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Alice Blair	Alice Blair	Clerk	9-15-09

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

ATF Form 4473 (5300.9) Part I  
Revised August 2008

I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature Shane Hall 17. Certification Date 11-11-09

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):  
☒ Handgun ☐ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)  
 19. If sale at a gun show or other qualifying event.  
 Name of Event \_\_\_\_\_  
 City, State \_\_\_\_\_

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)  
 Issuing Authority and Type of Identification WVDL Number on Identification F111232 Expiration Date of Identification (if any)  
 Month 08 Day 17 Year 2014  
 20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)  
 Type(s) of Document \_\_\_\_\_ Date(s) of residence indicated on documents \_\_\_\_\_

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)  
 Month 11 Day 11 Year 2009  
 21b. The NICS or State transaction number (if provided) was: 1GJX-XGV

21c. The response initially provided by NICS or the appropriate State agency was:  
☒ Proceed ☐ Delayed [The firearm(s) may be transferred on \_\_\_\_\_ (MDI date provided by NICS) if State law permits (optional)]  
☐ Denied ☐ Cancelled  
 21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:  
☐ Proceed \_\_\_\_\_ (date)  
☐ Denied \_\_\_\_\_ (date)  
☐ Cancelled \_\_\_\_\_ (date)  
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: \_\_\_\_\_ (date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)  
 \_\_\_\_\_ (name) \_\_\_\_\_ (number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)

23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type \_\_\_\_\_ Date of Issuance (if any) \_\_\_\_\_ Expiration Date (if any) \_\_\_\_\_ Permit Number (if any) \_\_\_\_\_

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature Shane Hall 25. Recertification Date 11-11-09



OMB No. 1140-0020

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

**Firearms Transaction Record Part I -  
Over-the-Counter**

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (if any)

66569/112

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

266666

**Section A - Must Be Completed Personally By Transferee (Buyer)**

1. Transferee's Full Name Last Name		First Name		Middle Name (If no middle name, state "NMN")	
Noel		Shane		Tyler	
2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)					
Number and Street Address		City	County	State	ZIP Code
37 Cashion St		Mallory	Hogan	WV	25634
3. Place of Birth U.S. City and State		-OR- Foreign Country	4. Height Ft. In.	5. Weight (Lbs.)	6. Gender Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>
Logan WV			6 5	225	
					7. Birth Date Month Day Year
					Aug 17 1984
8. Social Security Number (Optional, but will help prevent misidentification)			9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)		
233-35-9608					
10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)					
<input type="checkbox"/> American Indian or Alaska Native		<input type="checkbox"/> Black or African American		<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	
<input type="checkbox"/> Hispanic or Latino		<input type="checkbox"/> Asian		<input checked="" type="checkbox"/> White	
11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.					
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d. Are you a fugitive from justice?				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13. What is your State of residence (if any)? (See Instructions for Question 13.)		14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)		15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?	
WV		<input checked="" type="checkbox"/> United States of America <input type="checkbox"/> Other (Specify)			

Note: Previous Editions Are Obsolete  
Page 1 of 6

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised August 2008



## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Beretta	PX4	P445476	Pistol	40

30a. Total Number of Firearms (Please handwritten by printing e.g., one, two, three, etc. Do not use numerals.) ONE

30b. Is any part of this transaction a Pawn Redemption? ☒ Yes ☐ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
Uncle Sam's Loans, Inc. 200 Main Street Man, West Virginia 25635	455-045-02-2E-08677

## The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Sharon Harris	[Signature]	Owner	7/19/18

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

ATF Form 4473 (5300.9) Part I  
Revised August 2008

I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature

17. Certification Date

7-30-10

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☐ Long Gun ☐ Other Firearm (Frame, Receiver, etc.  
(rifles or See Instructions for Question 18.)  
shotguns)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

WV DL

F111232

8

17

2014

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)

Type(s) of Document

Date(s) of residence indicated on documents

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month

Day

Year

7

30

10

21b. The NICS or State transaction number (if provided) was:

1LS0-0LL

21c. The response initially provided by NICS or the appropriate State agency was:

☒

Proceed

☐

Delayed

☐

Denied

☐

Cancelled

(The firearm(s) may be transferred on  
(MDI date provided by NICS)  
if State law permits (optional))

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐

Proceed

(date)

☐

Denied

(date)

☐

Cancelled

(date)

☐

No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on:

(date).

☐

Proceed

☐

Denied

☐

Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

25. Recertification Date

7-30-10

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0020

# Firearms Transaction Record Part I - Over-the-Counter

12-11

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

27204

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name

Last Name

Noel

First Name

Shane

Middle Name (If no middle name, state "NMN")

Tyler

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

37 Cashron St

City

Mallory

County

Logan

State

WV

ZIP Code

25634

3. Place of Birth

U.S. City and State

Logan WV

-OR-

Foreign Country

4. Height

Ft. 6

In. 5

5. Weight

(Lbs.) 225

6. Gender

Male ☒Female ☐

7. Birth Date

Month 08

Day 17

Year 1984

8. Social Security Number (Optional, but will help prevent misidentification)

233-35-9608

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐ American Indian or Alaska Native☐ Black or African American☐ Native Hawaiian or Other Pacific Islander☐ Hispanic or Latino☐ Asian☒ White

11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d. Are you a fugitive from justice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

13. What is your State of residence (if any)? (See Instructions for Question 13.)

WV

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)

☒ United States of America☐ Other (Specify)

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Ruger	Single Six	265-33532	Revolver	22 mag

30a. Total Number of Firearms (Please *handwrite* by printing e.g., one, two, three, etc. Do not use numerals.)

one

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
Uncle Sam's Loans, Inc. 200 Main Street Man, West Virginia 25635	455-045-02-2E-08677

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions,  
The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Clifford Mullins	Clifford Mullins	Clerk	12-11-10

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

ATF Form 4473 (5300.9) Part I  
Revised August 2008



I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature

17. Certification Date

12-13-10

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☐ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

WV DL

F111232

8

17

2014

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)

Type(s) of Document

Date(s) of residence indicated on documents

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month

Day

Year

12

13

2010

21b. The NICS or State transaction number (if provided) was:

1P22-WRP

21c. The response initially provided by NICS or the appropriate State agency was:

☒

Proceed

☐

Delayed

☐

Denied

☐

Cancelled

[The firearm(s) may be transferred on  
(MDI date provided by NICS)  
if State law permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐

Proceed

(date)

☐

Denied

(date)

☐

Cancelled

(date)

☐

No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: (date).

☐

Proceed

☐

Denied

☐

Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

25. Recertification Date

12-13-10



OMB No. 1140-0020

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

# Firearms Transaction Record Part I - Over-the-Counter

9-14

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et. seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (if any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

27637

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name  
Last Name First Name Middle Name (if no middle name, state "NMN")  
Noel Share Tyler

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)  
Number and Street Address City County State ZIP Code  
37 Cashion St Mallory Logan WV 25634

3. Place of Birth  
U.S. City and State -OR- Foreign Country 4. Height Ft. In. 5. Weight (Lbs.) 6. Gender Male Female 7. Birth Date Month Day Year  
Logan, WV 6 5 225 Male 08 17 1984

8. Social Security Number (Optional, but will help prevent misidentification) 9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)  
233-35-9608

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐ American Indian or Alaska Native ☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander  
☐ Hispanic or Latino ☐ Asian ☒ White

11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

	Yes	No
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Are you a fugitive from justice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. What is your State of residence (if any)? (See Instructions for Question 13.)	WV	
14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.) <input checked="" type="checkbox"/> United States of America <input type="checkbox"/> Other (Specify)		
15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?		

Note: Previous Editions Are Obsolete

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised August 2008

## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Kramer	87C	KL01147	Pistol	270
Kennedy	87D	K552147C	Shotgun	44
Kramer	VH4 II	KU150389	Pistol	45
Rossi	Cr. Pkgs	D78344	Pistol	45
Springfield	P1912SL	NM243969	Pistol	45
30a. Total Number of Firearms (Please handwritten by printing e.g., one, two, three, etc. Do not use numerals.)			30b. Is any part of this transaction a Pawn Redemption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
30c. For Use by FFL (See Instructions for Question 30c.)			FIVE	

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
Uncle Sam's Loans, Inc. 200 Main Street Man, West Virginia 25635	455-045-02-2E-08677

## The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Steve Williams	[Signature]	Chief	3/6/41

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make change to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

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Revised August 2008

certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

6. Transferee's/Buyer's Signature

17. Certification Date

3-14-11

## Section B - Must Be Completed By Transferor (Seller)

8. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☐ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

MDL

F111232

8

17

2014

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)

Type(s) of Document

Date(s) of residence indicated on documents

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month

Day

Year

3

14

2011

21b. The NICS or State transaction number (if provided) was:

1RWC-4DJ

21c. The response initially provided by NICS or the appropriate State agency was:

☒ Proceed  
☐ Denied  
☐ Cancelled

☐ Delayed

[The firearm(s) may be transferred on  
\_\_\_\_\_ (MDI date provided by NICS)  
if State law permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐ Proceed \_\_\_\_\_ (date)☐ Denied \_\_\_\_\_ (date)☐ Cancelled \_\_\_\_\_ (date)☐ No resolution was provided within 3 business days.21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: \_\_\_\_\_ (date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

25. Recertification Date

3-14-11

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0020

# Firearms Transaction Record Part I - Over-the-Counter

11-18

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

28559

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name

Last Name

Noel

First Name

Shane

Middle Name (If no middle name, state "NMN")

Tyler

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

37 Cashion St

City

Mallory

County

Logan

State

WV

ZIP Code

25634

3. Place of Birth

U.S. City and State

Logan WV

-OR-

Foreign Country

4. Height

Ft. 6

In. 4

5. Weight

(Lbs.) 220

6. Gender

Male ☒Female ☐

7. Birth Date

Month 08

Day 17

Year 1984

8. Social Security Number (Optional, but will help prevent misidentification)

233-35-9608

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐ American Indian or Alaska Native☐ Black or African American☐ Native Hawaiian or Other Pacific Islander☐ Hispanic or Latino☐ Asian☒ White

11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

	Yes	No
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Are you a fugitive from justice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13. What is your State of residence (if any)? (See Instructions for Question 13.)

WV

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)

☐ Other (Specify)☒ United States of America

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

Note: Previous Editions Are Obsolete

Page 1 of 6

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised August 2008



## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Browning	Bar	3112M 04932	Rifle	243
Browning	Bar	31122 06341	Rifle	270
Ruger	MT1	740-20493	Rifle	357
Browning	XB-17	042711UN 354	Rifle	300wss

30a. Total Number of Firearms (Please *handwrite* by printing e.g., one, two, three, etc. Do not use numerals.) **four**

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)

32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)

Uncle Sam's Loans, Inc.  
200 Main Street  
Man, West Virginia 25635  
455-045-02-2E-08677

## The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Shirley Allen	[Signature]	Chief	11/18/11

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make a completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of seller's certification) order.

If the buyer discovers that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

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Revised August 2008



I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature Brian West 17. Certification Date 6-2-12

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):  
☐ Handgun ☒ Long Gun ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)  
 (rifles or shotguns)  
 19. If sale at a gun show or other qualifying event.  
 Name of Event \_\_\_\_\_  
 City, State \_\_\_\_\_

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)  
 Issuing Authority and Type of Identification WV DL Number on Identification 8620233 Expiration Date of Identification (if any)  
 Month 4 Day 16 Year 2013

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)  
 Type(s) of Document \_\_\_\_\_ Date(s) of residence indicated on documents \_\_\_\_\_

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year),  
 Month 6 Day 2 Year 2012  
 21b. The NICS or State transaction number (if provided) was:  
21FW-ONU

21c. The response initially provided by NICS or the appropriate State agency was:  
☒ Proceed ☐ Delayed  
☐ Denied [The firearm(s) may be transferred on \_\_\_\_\_ (MDI date provided by NICS) if State law permits (optional)]  
☐ Cancelled  
 21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:  
☐ Proceed \_\_\_\_\_ (date)  
☐ Denied \_\_\_\_\_ (date)  
☐ Cancelled \_\_\_\_\_ (date)  
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on:  
 \_\_\_\_\_ (date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)

23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type \_\_\_\_\_ Date of Issuance (if any) \_\_\_\_\_ Expiration Date (if any) \_\_\_\_\_ Permit Number (if any) \_\_\_\_\_

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature Brian West 25. Recertification Date 6-2-12

OMB No. 1140-0020

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

## Firearms Transaction Record Part I - Over-the-Counter

8-7

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et. seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (if any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

29780

### Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name Last Name		First Name		Middle Name (if no middle name, state "NMN")	
west		Briga		A/1817	
2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.) Number and Street Address		City		County	State ZIP Code
10312 WINDST		MGM		LOGAN	WV 25635
3. Place of Birth U.S. City and State	-OR- Foreign Country	4. Height Ft. In.	5. Weight (Lbs.)	6. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	7. Birth Date Month Day Year
MGM WV		5 4	221		04 16 1973
8. Social Security Number (Optional, but will help prevent misidentification)			9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)		
235-19-2583					
10.a. Ethnicity <input type="checkbox"/> Hispanic or Latino <input checked="" type="checkbox"/> Not Hispanic or Latino		10.b. Race (Check one or more boxes.) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander			
11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.					
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.					Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
d. Are you a fugitive from justice?					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
l. Are you an alien admitted to the United States under a nonimmigrant visa? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
12. If you are an alien admitted to the United States under a nonimmigrant visa, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20c.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
13. What is your State of residence (if any)? (See Instructions for Question 13.)		14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)		15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?	
WV		<input checked="" type="checkbox"/> United States of America <input type="checkbox"/> Other (Specify)			

## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Kimber	Raptor	KU176429	Pistol	45 EA
FN	SCAR	HC22134	Rifle	762x54
FN	SCAR	HC22402	Rifle	308
FN	Five Seven	386205479	Pistol	5.7x28
FN	Five Seven	386205382	Pistol	5.7x28

30a. Total Number of Firearms (Please handwrite by printing e.g., one, two, three, etc. Do not use numerals.) Five

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
<p align="center">Uncle Sam's Loans, Inc. 200 Main Street 4-55-045-02-5E-08677 Man, West Virginia 25635</p>	

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Eric Allen	Eric Allen	Clerk	8-7-12

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the

I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. If I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "Yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature Brian Crest 17. Certification Date 1-12-13

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):  
☐ Handgun ☒ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)  
 19. If sale at a gun show or other qualifying event.  
 Name of Event \_\_\_\_\_  
 City, State \_\_\_\_\_

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)  
 Issuing Authority and Type of Identification WV DL Number on Identification E620233 Expiration Date of Identification (if any)  
 Month 4 Day 16 Year 2013

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address) (See Instructions for Question 20.b.)

20c. Aliens Admitted to the United States Under a Nonimmigrant Visa Must Provide: Type of documentation showing an exception to the nonimmigrant visa prohibition. (See Instructions for Question 20.c.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)  
 Month 1 Day 12 Year 2013  
 21b. The NICS or State transaction number (if provided) was: 265F-DVG

21c. The response initially provided by NICS or the appropriate State agency was:  
☒ Proceed ☐ Delayed [The firearm(s) may be transferred on \_\_\_\_\_ (Missing Disposition Information date provided by NICS) if State law permits (optional)]  
☐ Denied ☐ Cancelled  
 21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:  
☐ Proceed \_\_\_\_\_ (date)  
☐ Denied \_\_\_\_\_ (date)  
☐ Cancelled \_\_\_\_\_ (date)  
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: \_\_\_\_\_ (date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)  
 \_\_\_\_\_ (name) \_\_\_\_\_ (number)

22. ☐ No NICS check was required because the transfer involved only National Firearms Act firearm(s). (See Instructions for Question 22.)

23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type \_\_\_\_\_ Date of Issuance (if any) \_\_\_\_\_ Expiration Date (if any) \_\_\_\_\_ Permit Number (if any) \_\_\_\_\_

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature Brian Crest 25. Recertification Date 1-12-13

Transferor (Seller) Continue to Next Page  
 STAPLE IF PAGES BECOME SEPARATED



U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0020

## Firearms Transaction Record Part I - Over-the-Counter 2-15

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

307662

### Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name		Last Name		First Name		Middle Name (If no middle name, state "NMN")	
West		Brian		Allen			
2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)				Number and Street Address		City	
10342 W 2nd St				Man		Logan	
State				ZIP Code			
WV				25635			
3. Place of Birth		4. Height		5. Weight		6. Gender	
U.S. City and State		Ft. In.		Lbs.		<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	
Man WV		5 4		221		7. Birth Date Month Day Year 04 16 1923	
8. Social Security Number (Optional, but will help prevent misidentification)				9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)			
233-19-2583							
10.a. Ethnicity		10.b. Race (Check one or more boxes.)					
<input type="checkbox"/> Hispanic or Latino <input checked="" type="checkbox"/> Not Hispanic or Latino		<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander					
11. Answer questions 11.a. (see exceptions) through 11.i. and 12. (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.							
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.						Yes	No
						<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Are you a fugitive from justice?						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Are you an alien admitted to the United States under a nonimmigrant visa? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. If you are an alien admitted to the United States under a nonimmigrant visa, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20c.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.						Yes	No
						<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. What is your State of residence (if any)? (See Instructions for Question 13.)		14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)		15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?			
WV		<input type="checkbox"/> Other (Specify) <input checked="" type="checkbox"/> United States of America					



## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Glock	28 G19	UBC297	Pistol	9mm
S&W	367	BKR3843	Revolver	38
Glock	21	UH2476	Pistol	45

30a. Total Number of Firearms (Please *handwrite* by printing e.g., one, two, three, etc. Do not use numerals.)  
Three

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.) <u>Uncle Sam's Loans, Inc.</u> <u>200 Main Street 4-55-045-02-5E-08677</u> <u>Man, West Virginia 25635</u>	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
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The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print) <u>Sean Story</u>	34. Transferor's/Seller's Signature <u>Sean Story</u>	35. Transferor's/Seller's Title <u>Clerk</u>	36. Date Transferred <u>02-15-13</u>
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## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the

I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "Yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature

17. Certification Date

*Brian West*

2-22-13

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☐ Handgun ☒ Long Gun ☐ Other Firearm (Frame, Receiver, etc.  
(rifles or See Instructions for Question 18.)  
shotguns)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

WVDL

yes  
E620233

4

16

13

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address) (See Instructions for Question 20.b.)

20c. Aliens Admitted to the United States Under a Nonimmigrant Visa Must Provide: Type of documentation showing an exception to the nonimmigrant visa prohibition. (See Instructions for Question 20.c.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month

Day

Year

2

22

13

21b. The NICS or State transaction number (if provided) was:

2845-OVP

21c. The response initially provided by NICS or the appropriate State agency was:

☒ Proceed  
☐ Denied  
☐ Cancelled

☐ Delayed

[The firearm(s) may be transferred on  
(Missing Disposition  
Information date provided by NICS) if State law  
permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐ Proceed (date)☐ Denied (date)☐ Cancelled (date)☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: (date).

☐ Proceed☐ Denied☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only National Firearms Act firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

25. Recertification Date

*Brian West*

2-22-13

Transferor (Seller) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

# Firearms Transaction Record Part I - Over-the-Counter

3-2

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

30904

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name		First Name		Middle Name (If no middle name, state "NMN")	
Last Name		First Name		Middle Name (If no middle name, state "NMN")	
west		Brian		Allen	
2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)					
Number and Street Address		City		County	State ZIP Code
103 1/2 W 4th St		man		Logan	WV 25635
3. Place of Birth		4. Height	5. Weight	6. Gender	7. Birth Date
U.S. City and State -OR- Foreign Country		Ft. 5	(Lbs.)	<input checked="" type="checkbox"/> Male	Month Day Year
man WV		In. 4	221	<input type="checkbox"/> Female	04 16 1973
8. Social Security Number (Optional, but will help prevent misidentification)			9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)		
235-19-2593					

10.a. Ethnicity	10.b. Race (Check one or more boxes.)
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input checked="" type="checkbox"/> White
<input checked="" type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander

11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.	
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
d. Are you a fugitive from justice?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
1. Are you an alien admitted to the United States under a nonimmigrant visa? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
12. If you are an alien admitted to the United States under a nonimmigrant visa, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20c.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
13. What is your State of residence (if any)? (See Instructions for Question 13.)	14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.) <input checked="" type="checkbox"/> United States of America <input type="checkbox"/> Other (Specify)
WV	
15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?	

Note: Previous Editions Are Obsolete

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised April 2012

## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Beretta	92	K687992	pistol	9
FN	FN540	GKL0031076	pistol	40

30a. Total Number of Firearms (Please handwrite by printing e.g., one, two, three, etc. Do not use numerals.)

Two

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No


30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
Uncle Sam's Loans, Inc. 200 Main Street 4-55-045-02-5E-08677 Man. West Virginia 25635	

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions,  
 The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Sean Story		Clerk	3-2-13

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the



I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definition on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "Yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature

*Brian West*

17. Certification Date

3-8-13

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☒ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

SOS  
WV DL

Number on Identification

FL20233

Expiration Date of Identification (if any)

Month

Day

Year

4

16

2013

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address) (See Instructions for Question 20.b.)

20c. Aliens Admitted to the United States Under a Nonimmigrant Visa Must Provide: Type of documentation showing an exception to the nonimmigrant visa prohibition. (See Instructions for Question 20.c.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month Day Year  
3 8 13

21b. The NICS or State transaction number (if provided) was:

28LG-RCF

21c. The response initially provided by NICS or the appropriate State agency was:

☒ Proceed ☐ Delayed  
☐ Denied [The firearm(s) may be transferred on  
☐ Cancelled (Missing Disposition  
Information date provided by NICS) if State law  
permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐ Proceed (date)  
☐ Denied (date)  
☐ Cancelled (date)  
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on (date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only National Firearms Act firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

*X. Brian West*

25. Recertification Date

X. 3-8-13

Transferor (Seller) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED



U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

# Firearms Transaction Record Part I - Over-the-Counter 9-26

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (if any)

65023

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

24963

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name  
Last Name

Deer

First Name

Christina

Middle Name (if no middle name, state "NMN")

Michelle

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)  
Number and Street Address

107 Powell Dr.

City

Manassas

County

Logan

State

WV

ZIP Code

25235

3. Place of Birth

U.S. City and State

Manassas WV

-OR-

Foreign Country

4. Height.

Ft.

3

In.

3

5. Weight

(Lbs.)

145

6. Gender

Male ☐

Female ☒

7. Birth Date

Month

05

Day

06

Year

1971

8. Social Security Number (Optional, but will help prevent misidentification)

234-15-7463

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐ American Indian or Alaska Native

☐ Black or African American

☐ Native Hawaiian or Other Pacific Islander

☐ Hispanic or Latino

☐ Asian

☒ White

11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.

Yes

No

b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)

Yes

No

c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)

Yes

No

d. Are you a fugitive from justice?

Yes

No

e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?

Yes

No

f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)

Yes

No

g. Have you been discharged from the Armed Forces under dishonorable conditions?

Yes

No

h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)

Yes

No

i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)

Yes

No

j. Have you ever renounced your United States citizenship?

Yes

No

k. Are you an alien illegally in the United States?

Yes

No

l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.

Yes

No

12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.

Yes

No

13. What is your State of residence (if any)? (See Instructions for Question 13.)

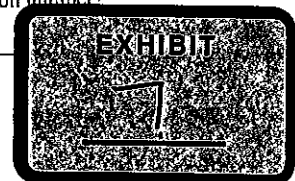
WV

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)

☒ United States of America

☐ Other (Specify)

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?



## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Marlin	336LS	09666605	Rifle	30-30

30a. Total Number of Firearms (Please *handwrite* by printing e.g., one, two, three, etc. Do not use numerals.) *One*

30b. Is any part of this transaction a Pawn Redemption? ☒ Yes ☐ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX) (Hand stamp may be used.)
Uncle Sam's Loans, Inc. 200 Main Street Man, West Virginia 25635	455-045-02-2E-08677

## The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Eric Allen	Eric Allen	clerk	9-26-09

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

Page 3 of 6

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature Christina Michelle Hoover 17. Certification Date 11-13-09

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):  
☐ Handgun ☒ Long Gun ☐ Other Firearm (Frame, Receiver, etc.  
 (rifles or See Instructions for Question 18.)  
 shotguns)

19. If sale at a gun show or other qualifying event.  
 Name of Event \_\_\_\_\_  
 City, State \_\_\_\_\_

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)  
 Issuing Authority and Type of Identification WV DL Number on Identification E878395 Expiration Date of Identification (if any)  
 Month 5 Day 6 Year 2011

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)  
 Type(s) of Document \_\_\_\_\_ Date(s) of residence indicated on documents \_\_\_\_\_

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)  
 Month 10 Day 13 Year 2009

21b. The NICS or State transaction number (if provided) was: 16KX-L70

21c. The response initially provided by NICS or the appropriate State agency was:  
☒ Proceed ☐ Delayed  
☐ Denied ☐ [The firearm(s) may be transferred on  
☐ Cancelled \_\_\_\_\_ (MDI date provided by NICS)  
 if State law permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:  
☐ Proceed \_\_\_\_\_ (date)  
☐ Denied \_\_\_\_\_ (date)  
☐ Cancelled \_\_\_\_\_ (date)  
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: \_\_\_\_\_ (date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)  
Drum 1622  
 (name) (number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)

23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type \_\_\_\_\_ Date of Issuance (if any) \_\_\_\_\_ Expiration Date (if any) \_\_\_\_\_ Permit Number (if any) \_\_\_\_\_

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature Christina Michelle Hoover 25. Recertification Date 11-13-09

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No 1140-0020

# Firearms Transaction Record Part I - Over-the-Counter 1-21

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et. seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

26023

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name

Last Name

First Name

Middle Name (If no middle name, state "NMN")

Deer

Christina

Michelle

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

City

County

State

ZIP Code

16 #3 Camp

Mallory

Logan

W.V

25634

3. Place of Birth

U.S. City and State

-OR-

Foreign Country

4. Height

Ft.

In.

5. Weight

(Lbs.)

6. Gender

Male

Female

7. Birth Date

Month

Day

Year

Logan WV

5'3"

140

Female

05

06

1971

8. Social Security Number (Optional, but will help prevent misidentification)

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

234-15-7463

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐ American Indian or Alaska Native

☐ Black or African American

☐ Native Hawaiian or Other Pacific Islander

☐ Hispanic or Latino

☐ Asian

☒ White

11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.

Yes ☒ No ☐

b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)

Yes ☐ No ☒

c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)

Yes ☐ No ☒

d. Are you a fugitive from justice?

Yes ☐ No ☒

e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?

Yes ☐ No ☒

f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)

Yes ☐ No ☒

g. Have you been discharged from the Armed Forces under dishonorable conditions?

Yes ☐ No ☒

h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)

Yes ☐ No ☒

i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)

Yes ☐ No ☒

j. Have you ever renounced your United States citizenship?

Yes ☐ No ☒

k. Are you an alien illegally in the United States?

Yes ☐ No ☒

l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.

Yes ☐ No ☒

12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.

Yes ☐ No ☒

13. What is your State of residence (if any)? (See Instructions for Question 13.)

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)

☒ United States of America

☐ Other (Specify)

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

Note: Previous Editions Are Obsolete

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised August 2008



## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
King	995	317-23881	Pistol	9mm
Smith Wesson	SW9VE	DTK0608	Pistol	9mm
Smith Wesson	SW90VE	DTL2852	Pistol	40cal

30a. Total Number of Firearms (Please *handwrite* by printing e.g., one, two, three, etc. Do not use numerals.) **THREE**

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
Uncle Sam's Loans, Inc. 200 Main Street Man, West Virginia 25635	455-045-02-2E-08677

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Steven Adams	[Signature]	Chief	12/10

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.



I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature Christina M. Dew 17. Certification Date 11-4-10

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):  
☐ Handgun ☒ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)  
 19. If sale at a gun show or other qualifying event.  
 Name of Event \_\_\_\_\_  
 City, State \_\_\_\_\_

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)  
 Issuing Authority and Type of Identification WV DL Number on Identification E878395 Expiration Date of Identification (if any)  
 Month 5 Day 6 Year 2011

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)  
 Type(s) of Document \_\_\_\_\_ Date(s) of residence indicated on documents \_\_\_\_\_

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)  
 Month 11 Day 4 Year 10  
 21b. The NICS or State transaction number (if provided) was: INBF-3KW

21c. The response initially provided by NICS or the appropriate State agency was:  
☒ Proceed ☐ Delayed [The firearm(s) may be transferred on \_\_\_\_\_ (MDI date provided by NICS) if State law permits (optional)]  
☐ Denied ☐ Cancelled  
 21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:  
☐ Proceed \_\_\_\_\_ (date)  
☐ Denied \_\_\_\_\_ (date)  
☐ Cancelled \_\_\_\_\_ (date)  
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: \_\_\_\_\_ (date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)  
Pam 1308  
 (name) (number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)

23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type \_\_\_\_\_ Date of Issuance (if any) \_\_\_\_\_ Expiration Date (if any) \_\_\_\_\_ Permit Number (if any) \_\_\_\_\_

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature X Christina M. Dew 25. Recertification Date X 11-4-10

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Transaction Record Part I -  
Over-the-Counter. 2-4-16

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et. seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (if any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

24098

Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name		First Name		Middle Name (If no middle name, state "NMN")	
Last Name					
Ellis		Scott		Edward	
2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)					
Number and Street Address		City	County	State	ZIP Code
127 River Drive		Logan	Logan	WV	25601
3. Place of Birth		4. Height	5. Weight	6. Gender	7. Birth Date
U.S. City and State		Ft.	(Lbs.)	Male <input checked="" type="checkbox"/>	Month
-OR- Foreign Country		In.		Female <input type="checkbox"/>	Day
Logan WV		5	230		10
		11			31
					69
8. Social Security Number (Optional, but will help prevent misidentification)			9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)		
232-17-0015					

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

- ☐ American Indian or Alaska Native
 ☐ Black or African American
 ☐ Native Hawaiian or Other Pacific Islander  
☐ Hispanic or Latino
 ☐ Asian
 ☒ White

11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d. Are you a fugitive from justice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

13. What is your State of residence (if any)? (See Instructions for Question 13.)	14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)	15. If you are not a citizen of the United States, what is your U.S.-issued alien number or address?
WV	<input checked="" type="checkbox"/> United States of America <input type="checkbox"/> Other (Specify)	

Note: Previous Editions Are Obsolete

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED



## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Remington	31	114239	Shotgun	12ga
Remington	Rcl 7	800606	Rifle	6.8
Thompson	Pec	U001321	Rifle	243
Thompson	ICOW	11430	Rifle	30.06
Remington	700	66562761	Rifle	30.06

30a. Total Number of Firearms (Please handwrite by printing e.g., one, two, three, etc. Do not use numerals.) **FIVE**

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
<p align="center"><b>Uncle Sam's Loans, Inc.</b>  <b>200 Main Street</b>  <b>Man, West Virginia 25635</b></p>	<p align="center"><b>455-045-02-2E-08677</b></p>

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Samuel Adams	[Signature]	Chief	2/4/10

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

ATF Form 4473 (5300.9) Part I  
Revised August 2008

I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature

17. Certification Date

3-23-10

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☒ Long Gun ☐ Other Firearm (Frame, Receiver, etc.  
(rifles or See Instructions for Question 18.)  
shotguns)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

WV DL

E435776

10

31

2014

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)

Type(s) of Document

Date(s) of residence indicated on documents

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month

Day

Year

3

23

2010

21b. The NICS or State transaction number (if provided) was:

1FV M-74P

21c. The response initially provided by NICS or the appropriate State agency was:

☒

Proceed

☐

Delayed

☐

Denied

☐

Cancelled

[The firearm(s) may be transferred on  
(MDI date provided by NICS)  
if State law permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐

Proceed

(date)

☐

Denied

(date)

☐

Cancelled

(date)

☐

No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on:

(date).

☐

Proceed

☐

Denied

☐

Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

25. Recertification Date

3-23-10

Transferor (Seller) Continue to Next Page



#1

OMB No. 1140-0020

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

# Firearms Transaction Record Part I - Over-the-Counter 11-3

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et. seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

25132

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name

Last Name

First Name

Middle Name (If no middle name, state "NMN")

Ellis

Scott

Edward

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

City

County

State

ZIP Code

127 River Drive

Logan

Logan WV

WV

25601

3. Place of Birth

U.S. City and State

-OR-

Foreign Country

4. Height

Ft.

In.

5

11

5. Weight

(Lbs.)

270

6. Gender

Male ☒Female ☐

7. Birth Date

Month

Day

Year

10

31

69

8. Social Security Number (Optional, but will help prevent misidentification)

232-17-0015

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐

American Indian or Alaska Native

☐

Black or African American

☐

Native Hawaiian or Other Pacific Islander

☐

Hispanic or Latino

☐

Asian

☒

White

11. Answer questions 11.a. (see exceptions) through 11.i. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual transferee/buyer of the firearm(s) listed on this form? **Warning:** You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.

Yes ☒No ☐

b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)

Yes ☐No ☒

c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)

Yes ☐No ☒

d. Are you a fugitive from justice?

Yes ☐No ☒

e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?

Yes ☐No ☒

f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)

Yes ☐No ☒

g. Have you been discharged from the Armed Forces under dishonorable conditions?

Yes ☐No ☒

h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)

Yes ☐No ☒

i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)

Yes ☐No ☒

j. Have you ever renounced your United States citizenship?

Yes ☐No ☒

k. Are you an alien illegally in the United States?

Yes ☐No ☒

l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.

Yes ☐No ☒

12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.

Yes ☐No ☒

13. What is your State of residence (if any)? (See Instructions for Question 13.)

WV

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.) ☒ United States of America

☐ Other (Specify)

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?



## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Smith Wesson	1911	FRF2929	Pistol	45
Wadsworth	P22	L355733	Pistol	22
Block	17	H4E056	Pistol	9mm
Berg HA	92FS	L647792	Pistol	9mm
Remy	700	C6683086	Pistol	2x3
30a. Total Number of Firearms (Please handwritten by printing e.g., one, two, three, etc. Do not use numerals.)			30b. Is any part of this transaction a Pawn Redemption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
30c. For Use by FFL (See Instructions for Question 30c.)			FIVE	

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
Uncle Sam's Loans, Inc. 200 Main Street Man, West Virginia 25635	455-045-02-2E-08677

## The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Steven Adkins	[Signature]	Chief	11/3/09

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

I certify that my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law (See Instructions for Question 16).

16. Transferee's/Buyer's Signature

17. Certification Date

## Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred (check or mark all that apply):

☒ Handgun ☒ Long Gun (rifles or shotguns) ☐ Other Firearm (Frame, Receiver, etc. See Instructions for Question 18.)

19. If sale at a gun show or other qualifying event.

Name of Event

City, State

20a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 20.a.)

Issuing Authority and Type of Identification

Number on Identification

Expiration Date of Identification (if any)

Month

Day

Year

20b. Alternate Documentation (if driver's license or other identification document does not show current residence address)

20c. All Aliens: Type and dates of documents that establish 90-day residency (e.g., utility bills or lease agreements). (See Instructions for Question 20.c.)

Type(s) of Document

Date(s) of residence indicated on documents

20d. Nonimmigrant Aliens Must Provide: Type of documentation showing an exception to the nonimmigrant alien prohibition. (See Instructions for Question 20.d.)

## Questions 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 21, 22 and 23.)

21a. Date the transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency: (Month/Day/Year)

Month

Day

Year

21b. The NICS or State transaction number (if provided) was:

21c. The response initially provided by NICS or the appropriate State agency was:

☐

Proceed

☐

Delayed

☐

Denied

☐

Cancelled

[The firearm(s) may be transferred on \_\_\_\_\_ (MDI date provided by NICS) if State law permits (optional)]

21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:

☐

Proceed

\_\_\_\_\_ (date)

☐

Denied

\_\_\_\_\_ (date)

☐

Cancelled

\_\_\_\_\_ (date)

☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: \_\_\_\_\_ (date).

☐

Proceed

☐

Denied

☐

Cancelled

21f. The name and Brady identification number of the NICS examiner (Optional)

(name)

(number)

22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instructions for Question 22.)23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS (See Instructions for Question 23.)

Issuing State and Permit Type

Date of Issuance (if any)

Expiration Date (if any)

Permit Number (if any)

## Section C - Must Be Completed Personally By Transferee (Buyer)

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 24 and 25.)

I certify that my answers to the questions in Section A of this form are still true, correct and complete.

24. Transferee's/Buyer's Signature

25. Recertification Date

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

# Firearms Transaction Record Part I - Over-the-Counter

4-8

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

27748

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."

## Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name

Last Name

First Name

Middle Name (If no middle name, state "NMN")

Ellis

Scott

Edward

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

City

County

State

ZIP Code

127 River drive

Lynn

Lynn

MA

01901

3. Place of Birth

U.S. City and State

-OR-

Foreign Country

4. Height

Ft.

In.

5. Weight

(Lbs.)

6. Gender

Male

Female

7. Birth Date

Month

Day

Year

Lynn MA

5

11

225

Male

Female

10

31

69

8. Social Security Number (Optional, but will help prevent misidentification)

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

232-17-0015

10. Race (Ethnicity) (Check one or more boxes. See Instructions for Question 10.)

☐

American Indian or Alaska Native

☐

Black or African American

☐

Native Hawaiian or Other Pacific Islander

☐

Hispanic or Latino

☐

Asian

☒

White

11. Answer questions 11.a. (see exceptions) through 11.l. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d. Are you a fugitive from justice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
j. Have you ever renounced your United States citizenship?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
k. Are you an alien illegally in the United States?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
l. Are you a nonimmigrant alien? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
12. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20d.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

13. What is your State of residence (if any)? (See Instructions for Question 13.)

MA

14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)

☐ Other (Specify)☒ United States of America

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

Note: Previous Editions Are Obsolete

Transferee (Buyer) Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9) Part I  
Revised August 2008



## Section D - Must Be Completed By Transferor (Seller)

26. Manufacturer and/or Importer (If the manufacturer and importer are different, the FFL should include both.)	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)	30. Caliber or Gauge
Barrett	898	98B01375	rifle	338 cal.
Ruger	LCR 357	546-10110	revolver	357 cal.
Rossi	clout Judge	E06622	rifle	45/410 cal.
UZI	A	20311	pistol	9mm
Kimber	Ultra Crimser	KU151495	pistol	45 cal.

30a. Total Number of Firearms (Please *handwrite* by printing e.g., one, two, three, etc. Do not use numerals.) five

30b. Is any part of this transaction a Pawn Redemption? ☐ Yes ☒ No

30c. For Use by FFL (See Instructions for Question 30c.)

## Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)	32. Federal Firearms License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)
<p align="center"><b>Uncle Sam's Loans, Inc.</b>  <b>200 Main Street</b>  <b>Man, West Virginia 25635</b>  <b>455-045-02-2E-08677</b></p>	

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer if the transfer does not occur on the day Section A was completed); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name (Please print)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
Ricky Lee Allen Jr.	<i>[Signature]</i>	clerk	4-8-11

## NOTICES, INSTRUCTIONS AND DEFINITIONS

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun (rifle or shotgun) to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 (which includes the Notices, General Instructions, and Definitions), and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the

buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

## Section A

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the seller. Two persons (other than the seller) must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity.

ATF Form 4473 (5300.9) Part I  
Revised August 2008

- “PROFFER AGREEMENT”. Once this task was complete, the prosecution team returned to the conference room and the interview commenced.
3. Initially, S/A Cunningham inquired if ADKINS had ever solicited any person to complete an ATF Form 4473 at Uncle Sam's Loans, Inc., all while leaving the firearm section of the ATF Form 4473 blank and with the understanding that the individual depicted on the ATF Form 4473 never intended on purchasing a firearm. ADKINS denied ever participating in any sort of straw transactions through Uncle Sam's Loans. This topic was explored farther and ADKINS was adamant that he had not solicited anyone to complete any ATF Form 4473's, knowing that the firearms listed on the ATF Form 4473 were actually going to an undocumented third party. ADKINS also stated that at Uncle Sam's Loans they absolutely do not knowingly give firearms to “dope heads.” ADKINS provided examples of firearms transactions where he has refused to consummate the transaction because ADKINS felt the transaction was a “straw” purchase or some other type of fraudulent purchase. ADKINS qualified the denials of having individuals falsely complete ATF Form 4473's by stating; “We did not have people fill out forms fraudulently, to the best of my knowledge.”
  4. As this topic was discussed further, ADKINS stated that not all of the firearms depicted on all of ATF Form 4473's that identify Shane Noel as the purchaser of the firearms are accurate. ADKINS stated that there are several firearms listed on ATF Form 4473's at Uncle Sam's Loans that identify Shane Noel as the actual purchaser of the firearms listed in the firearms section. ADKINS stated that several of the firearms in question were not purchased by Noel. ADKINS continued and related that many of the firearms listed on the ATF Form 4473's actually went to ADKINS' friend, Matt Justice. ADKINS justified these criminal actions by stating that Justice is not able to get into Uncle Sam's Loans during regular business hours, due to his work schedule. ADKINS rationalized that Uncle Sam's Loans is in the retail business and in order to sell Justice firearms ADKINS would accumulate several firearms for Justice over a period of time. When the number of firearms reached a point that ADKINS felt he needed to liquidate the cache of firearms to Justice, ADKINS would deliver the firearms to Justice after regular business hours. ADKINS continued and explained that he knew that Noel desired to obtain employment with Justice. As a result, ADKINS stated that he had Noel complete the ATF Form 4473's for firearms that went to Justice. Once this task was completed, ADKINS and Noel delivered several firearms to Justice. ADKINS related that Justice spoke to Noel about Noel using drugs and related that once Noel was off all “dope” that Noel should come back and talk to Justice about employment. ADKINS related that Noel indicated to Justice that Noel was using Suboxone and that Justice stated that once Noel was “clean” that Noel should come see Justice.
  5. After explaining how ADKINS utilized Noel to complete ATF Form 4473's in order to distribute firearms to Matt Justice, ADKINS stated that no other firearms listed in Noel's name went to anyone else, other than to Matt Justice.



business hours and a variety of individuals would be invited to attend. ADKINS stated that when a firearm was won during these raffles the winner had to have a NICS check performed before securing the firearm. ADKINS stated that Uncle Sam's Loans would typically run the NICS check for the won firearm purchaser the following day during regular business hours. ADKINS stated that he believes that Shane Noel and his father, Norman Noel only attended one of these "gun parties". ADKINS related that he did not believe that either one (1) of the Noel's ever won a firearm at one of the "gun parties". ADKINS related that under the cash register at Uncle Sam's Loans there was a list of names on notebook paper. ADKINS held that the list in question consists of the individuals who were invited to the "gun parties." ADKINS stated that the checkmarks beside the individuals name indicates that that individual has been contacted and invited to attend the "gun party".

12. ADKINS related that currently he owns ten percent (10%) of Uncle Sam's Loans. ADKINS stated that the remaining ninety percent (90%) ownership in the business is held by Roger and Louise Muncy. ADKINS indicated that his goal is to eventually own Uncle Sam's Loans himself.
13. ADKINS advised that Chad Lusk ran a credit account at Uncle Sam's Loans. ADKINS stated that often Lusk would complete a "PO" (purchase order) listing boots, or some other product on the PO, that was billed to Mountain Laurel Coal. ADKINS stated that instead of boots, the products Lusk obtained were actuality hunting clothes and one (1) time a compound bow. ADKINS represented that these personal items were billed to and paid for by Mountain Laurel Coal, a subsidiary of Arch Coal.
14. ADKINS related that he understands that the Investigators have been told about ADKINS buying and selling untaxed moonshine liquor. ADKINS confirmed that he is supplied untaxed moonshine liquor from Tom and Bob Hypes from Charleston, West Virginia. ADKINS stated that he currently has four (4) quarts of untaxed moonshine in his refrigerator at ADKINS' residence. ADKINS stated that he enjoys consuming the moonshine from time to time.
15. ADKINS advised that Greg Glick operated a "parlay service" out of the 317 restaurant in Logan, West Virginia. ADKINS stated that "Little Bill" Toler actually ran the parlay service for Glick. ADKINS admitted that his name will be listed in the parlay records on two (2) separate occasions. ADKINS stated that he did not participate in the sports betting other than the two (2) occasions. ADKINS related that Scott Johnson has been involved in the parlay gambling for a while. ADKINS continued and related that since Glick was arrested, a barber in Man, West Virginia, Brian Blankenship has picked up the "parlay service" and is operating the sports gambling out of his barber shop in Man, West Virginia.
16. ADKINS related that a contractor named Sammy Stacy told him about a scheme involving fuel bills and Don Blankenship. ADKINS explained that Stacy told him that Stacy had complained



- shares in the UNCLE SAM'S LOANS Corporation.
3. ADKINS represented that the motivation behind the MUNCY'S "terminating" ADKINS is that Roger MUNCY wants ADKINS out of the UNCLE SAM'S LOANS business because Roger MUNCY fears that ADKINS will sign a plea agreement, cooperate with the United States Government and provide information to Law Enforcement concerning criminal acts on behalf of Roger and Louise MUNCY.
  4. ADKINS stated that when Louise MUNCY was interviewed by the West Virginia State Police, pursuant to the Mount Laurel Coal Company investigation, Louise MUNCY lied to the Investigating Officers. ADKINS stated that Louise MUNCY has actually cashed checks for Scottie ELLIS and Scott Johnson in order to facilitate the "kick back" scheme that ELLIS and Johnson were actively involved. ADKINS related that he understands that Ellis and Johnson needed to generate cash in order to make their "kick back" payments at the Mount Laurel Coal Mine. These cash payments were made in order to maintain their contractor/vendor work at the Coal Mine in question. ADKINS stated that Louise MUNCY represented to Law Enforcement that she simply provided ELLIS change from checks that ELLIS wrote to cover purchases from UNCLE SAM'S LOANS. ADKINS related that Louise MUNCY'S representation to Law Enforcement was untruthful. ADKINS related that he recalls Louise MUNCY cashing one (1) check for Johnson at the Christmas party at UNCLE SAM'S LOANS in 2014. ADKINS stated that the check amount that Louise MUNCY cashed on this occasion was "a couple thousand dollars."
  5. ADKINS proceeded to relate that ELLIS also wrote a check that was made out to Roger MUNCY. This check was cashed by MUNCY at B&B Loans in Logan, West Virginia. ADKINS stated that this check was written to Roger MUNCY in order for ELLIS to obtain cash to pay his portion of the kickback payments at the Mount Laurel Coal Mine. ADKINS stated that at the time, B&B Loans was owned by Roger MUNCY'S brother, Donald Muncy, who has since become deceased.
  6. At this point, S/A Cunningham informed ADKINS that it appears that the information being provided by ADKINS in relation to Roger and Louise MUNCY is different from the information ADKINS provided to Law Enforcement in the August 20, 2015 proffer interview. The original proffer interview was documented in Report of Investigation (ROI) Number 25 of the UNCLE SAM'S LOANS, Incorporated investigation, ATF IN#: 775020-15-0120. ADKINS explained that he was not completely forthright in the previous interview due to the fear of being terminated from his position at UNCLE SAM'S LOANS by the MUNCY'S. ADKINS advised that prior to meeting with the Investigating Agents on August 20, 2015, Roger and Louise MUNCY met with ADKINS. During this meeting, Roger MUNCY directed ADKINS to refrain from telling Law Enforcement anything pertaining to "check cashing" and "Mount Laurel". ADKINS related that Roger MUNCY told ADKINS "That's the stuff you go

9. ADKINS related that an underlying reason for using Brian West and Shane Noel to complete many of these ATF Form 4473's for firearms being delivered to Matt Justice was that West and Noel both indicated that they were interested in employment opportunities with Justice at his coal mine. ADKINS estimated that Noel accompanied him approximately two (2) or three (3) times to deliver firearms to Matt Justice. ADKINS related that he did not recall Brian West ever accompanying ADKINS to deliver firearms to Justice. ADKINS stated that during these firearm deliveries to Justice, Noel did talk with Justice about the possibility of gaining employment with Justice's coal company.
10. ADKINS addressed the Smith & Wesson .500 revolvers described in the charged incident from December 2010. ADKINS related that the Smith & Wesson revolvers in question were ordered for Paul Collins, of Pineville Machine Shop. ADKINS confirmed that Noel completed the ATF Form 4473 for the revolvers in question and that Noel was not the actual purchaser of the firearms in question. ADKINS explained that he utilized Noel to complete the ATF Form 4473 in question because Roger MUNCY had dictated that the ordered firearms not be stored at UNCLE SAM'S LOANS. ADKINS explained that MUNCY had mandated that the ordered firearms should be moved out of the store quickly, in order to complete the firearm sales and receive payment.
11. After discussing many of the straw ATF Form 4473's, ADKINS advised that Roger MUNCY was the individual who came up with the scheme of having the firearms listed on the ATF Form 4473's completed by people other than the actual purchaser of the listed firearms. ADKINS explained that Roger MUNCY related that the firearms would appear to be lawfully transferred in the A&D book, the firearm sale would be completed and UNCLE SAM'S LOANS would collect the money from the firearm transactions. ADKINS related that Roger MUNCY was not concerned that the firearm transaction be conducted correctly, just that the transaction appeared on the books to be conducted correctly.
12. ADKINS explained that Roger MUNCY would fire an employee who stopped a firearm transaction because one (1) of the qualifying answers on the ATF Form 4473 was answered in a manner that would exclude the applicant from purchasing a firearm. ADKINS related that in the past, if an employee stopped a firearm transaction because of how the purchaser answered a question on the ATF Form 4473, Roger MUNCY was "furious" at the employee for "blocking a sale." ADKINS related that Phillip Muncy can authenticate that Roger MUNCY has given his employees instruction to make sure they do not "block a sale" because of the answers provided on the ATF Form 4473. ADKINS related that approximately seventy (70%) percent of the firearms transactions completed at UNCLE SAM'S LOANS are illegal transfers. ADKINS elaborated and stated that the vast majority of the customers at UNCLE SAM'S LOANS are illegal users of illegal controlled substances. ADKINS explained that the employees at UNCLE SAM'S LOANS know that many of the people who complete the ATF Form 4473 does not answer the drug use question correctly. Despite this knowledge, the employees conduct the



spoke to ADKINS. Glen Adkins called concerning his not receiving his box of shells with the firearm purchase. Again, ADKINS directed Glen Adkins to speak with Roger Muncy about the box of ammunition for the firearm in question.

16. ADKINS submitted that UNCLE SAM'S LOANS routinely operates a "tip board" for a firearm. ADKINS stated that one time Mark Copley, of Buffalo Creek Road, near Man, West Virginia won a handgun on the "tip board." ADKINS stated that Copley is a convicted felon. When Copley won the firearm, ADKINS stated that MUNCY directed ADKINS to go ahead and provide Copley the firearm, even though Copley was prohibited from possessing firearms. ADKINS stated that he went ahead and paid Copley for the firearm and then put the firearm in ADKINS' name on the A&D book at UNCLE SAM'S LOANS. ADKINS stressed that he did not distribute the firearm in question to Copley.
17. ADKINS advised that Roger MUNCY'S son, Roger Muncy Jr. is also prohibited from possessing firearms. ADKINS stated that he believes Muncy Jr. is prohibited from possessing firearms because ADKINS is aware of Muncy Jr. being declined by the NICS Center for a firearm transaction. Despite Muncy Jr. being declined on the aforementioned firearm transaction, Muncy Jr. regularly carries a revolver upon his person.
18. In addition to facilitating the above described illegal firearms transactions, ADKINS related that when Roger MUNCY takes firearms to gun shows and various events, like the National Wild Turkey Federation dinner, MUNCY never logs the firearms out of the A&D book at UNCLE SAM'S LOANS. ADKINS explained that MUNCY takes the firearms to the event and simply returns them to the store without any record of the firearms leaving the licensed business location.
19. ADKINS stated that at the last National Wild Turkey Federation dinner he attended with MUNCY, ADKINS observed Roger MUNCY give Chad Lusk approximately five hundred (\$500) dollars to bid on the items in the silent auction. ADKINS stated that MUNCY added the five hundred (\$500) dollars he provided to Lusk on the credit account Mount Laurel Coal Mine had established at UNCLE SAM'S LOANS.
20. ADKINS was asked about Jim Grimmatt and Grimmatt's possession of firearms. ADKINS acknowledged that he was aware that Grimmatt is a convicted felon. ADKINS stated that he has had multiple conversations with Jim Grimmatt concerning Grimmatt's collection of firearms. ADKINS related that Jim Grimmatt stores his firearms at his brother, Rick Grimmatt's residence in Nibert, West Virginia. ADKINS stated that he knows that Rick Grimmatt purchased a large safe to store his and Jim Grimmatt's firearms. ADKINS maintained that he delivered the safe in question to Grimmatt's residence. ADKINS related that he has seen a portion of Jim Grimmatt's firearm collection at Rick Grimmatt's residence in the past.

UNCLE SAM'S LOANS, ADKINS also reported that he received approximately three hundred (\$300) dollars per month as his portion of the rent received from MUNCY Properties. ADKINS explained that his interest in MUNCY Properties came when he bought into UNCLE SAM'S LOANS in August 2013.

26. ADKINS related that he received his cash payments from UNCLE SAM'S LOANS once a month. ADKINS related that Roger MUNCY directed ADKINS to refrain from depositing the cash received in a checking account or any other bank account. ADKINS stated that Roger MUNCY directed him to put his cash money in a safe and to use the cash for personal expenses, like going to the grocery store.
27. ADKINS submitted that when he started buying into UNCLE SAM'S LOANS in 2013, ADKINS attempted to get Roger & Louise MUNCY to stop the cash payments to the employees. ADKINS stated that he suggested raising the amount of the salary for the employees and stop making cash payments to the employees. ADKINS stated that Roger MUNCY refused to change the way he was conducting business because it would increase the tax liability of UNCLE SAM'S LOANS. ADKINS related that for the nineteen (19) years he worked at UNCLE SAM'S LOANS all of the employees received some form of cash payments for their services rendered.
28. ADKINS related that the day after the West Virginia State Police executed a search warrant at UNCLE SAM'S LOANS in furtherance of the Mount Laurel Coal Mine investigation, Roger & Louise MUNCY removed five hundred thousand (\$500,000) dollars in cash from MUNCY'S residence on Hensley Heights Road in Man, West Virginia. ADKINS submitted that the MUNCY'S transported the five hundred thousand dollars in cash to William & Carolyn Bowling's residence in Portsmouth, Ohio. ADKINS stated that Roger MUNCY told him that he transported the money because the MUNCY'S feared that Law Enforcement would execute a search warrant at MUNCY'S residence and seize the money in question. ADKINS submitted that he understands that approximately six (6) or seven (7) months ago the MUNCY'S retrieved the half a million dollars in cash from the Bowling's residence. ADKINS is unsure where the MUNCY'S currently have the currency in question stored. ADKINS related that the Bowlings are related to Louise MUNCY.
29. ADKINS advised that he knows that the MUNCYS historically secured large sums of cash inside large video games consoles and safes located inside the MUNCY'S residence on Hensley Heights Road near Man, West Virginia.
30. ADKINS stated that in 2008 and 2009 he knows that the gross sales at UNCLE SAM'S LOANS was in excess of four hundred thousand (\$400,000) dollars. In December of 2008 and December of 2009 Louise MUNCY removed in excess of one hundred thousand (\$100,000) dollars each year from the records. ADKINS stated that each year (2008-09) Louise MUNCY

36. ADKINS explained that Roger MUNCY and Brian K. Blankenship started a "parlay service" in Logan County, West Virginia. ADKINS explained that the "parlay service" provided an unregulated gambling business for individuals to wager on sporting events. ADKINS explained that MUNCY and Blankenship each contributed twenty thousand (\$20,000) dollars to start the "parlay service".
37. ADKINS related that MUNCY is a member of the Board of Directors of the Bank of Mingo. As a result of MUNCY'S membership on the Board of Directors, MUNCY took Blankenship to the Bank of Mingo and co-signed for Blankenship to secure a twenty thousand (\$20,000) dollar loan to start this illegal gambling business. ADKINS advised that MUNCY secured his twenty thousand (\$20,000) dollars to start the illegal gambling business by cashing in a CD MUNCY had at the Bank of Mingo. ADKINS submitted that the CD in question was in Roger and Louise MUNCY'S name. When Roger MUNCY cashed out the CD in question, an unknown Bank of Mingo employee forged Louise MUNCY'S signature on the CD.
38. ADKINS advised that Blankenship is a barber by trade and that much of the "parlay service" is operated out of Blankenship's barbershop in Man, West Virginia.
39. ADKINS identified "Gooze" as being an employee of Roger MUNCY'S in the "parlay service". ADKINS stated that "Gooze" is a black, male.
40. ADKINS stated that Roger MUNCY employs Randall Bragg to assist MUNCY with collections associated with the "parlay service."
41. ADKINS related that he understands that Roger MUNCY extends an approximate debt limit of five thousand (\$5,000) dollars to the people who play the "parlay service." S/A Cunningham inquired about what happens to the individuals who max out their gambling debt. ADKINS identified Darren McDaniel as the owner of Jack's Service Center on Buffalo Creek Road, near Man, West Virginia. ADKINS explained that in late 2013 or early 2014 McDaniel got indebted to MUNCY'S "parlay service" for five thousand (\$5,000) dollars. Roger MUNCY went to Jack's Service Center with a baseball bat and started striking furniture and other inanimate objects in the garage with the baseball bat. After exhibiting this show of force, MUNCY allegedly informed McDaniel that if he did not commence with weekly payments to fulfill his gambling debt, that MUNCY would return to his place of business and destroy the business computer system with the baseball bat. As a result of this exhibition of terror, McDaniel complied with MUNCY'S demands and commenced with making two hundred fifty (\$250) dollar per week payments to MUNCY. These weekly payments were made each Friday and made until the debt was satisfied.
42. ADKINS stated that he understands that at one time Blankenship became indebted to the "parlay service" for approximately ten thousand (\$10,000) dollars. ADKINS does not know

- Terry and April Albright – Both are illegal drug users; DNR Officer Terry Ballard searched Albright's residence related to a bear poaching complaint; Officer Ballard could authenticate Albright's drug usage
- Cecil Keeney and his son, Aaron Keeney – Drug users
- Benny Gilco – was denied by NICS; never did receive the firearm

47. ADKINS submitted that his cousin, Randy Blair (304) 752-9278 contacted ADKINS on August 31, 2015 and related that he was approached by Roger MUNCY. Blair related that MUNCY had in excess of two hundred (200) firearms in the bed of MUNCY'S vehicle. ADKINS related that he was told that MUNCY was offering the firearms for sale at a very low price. ADKINS related that Blair advised that he declined MUNCY'S offer to buy firearms in question. ADKINS related that August 31, 2015 was the same date that he was "terminated" at UNCLE SAM'S LOANS.

48. ADKINS advised that he knows that before B&B Loans was sold, but following the death of Donald Muncy, Roger MUNCY was obtaining numerous firearms from B&B Loans, on behalf of MUNCY'S son. ADKINS related that MUNCY'S son is opening a gun store in Sissonville, West Virginia. ADKINS advised that MUNCY was securing the firearms in question to be stocked as inventory at his son's new gun store.

49. At this point in this interview, ADKINS offered a list of the individuals who are engaged in the illegal distribution of controlled substance(s) in the Logan County, West Virginia area;

- Terry & April Albright – Lives in Curtis, WV and sells prescription medication
- Belva Lusk – Lives in Curtis, WV and sells prescription medication
- Donald "Slick" Bragg – Sells prescription medication
- Terry Hoosier – Lives in Crown, WV, sell prescription medication and Heroin
- Randal & Rick Gene Bragg – Both sell prescription medication
- Steven Rittz – Lives in "Hunky bottom" in Man, WV, sells prescription medication; Rittz traded a large sum of prescription medication to Drew Bias, in exchange for a piece of property on Greenville Road near Man, WV
- Kenneth Newman AKA: "KW" – Sells prescription medication
- Jerry Jackson & Terrell Monroe – Lives in a white house, with a blue metal roof, behind the Man Junior High School. There is a car with Ohio registration routinely parked in the driveway of their residence. There are multiple visitors and "heavy" foot traffic at the residence
- Mark & Stella Copley – In the summer of 2015 purchased a golf cart from UNCLE SAM'S LOANS for three thousand (\$3,000) dollars cash. The money reeked of Marijuana

individuals to complete ATF Form 4473's was to enable the firearm transactions to appear as legitimate firearm transactions on the A&D book so the firearms could be sold and paid for as quickly as possible. ADKINS explained that Roger MUNCY wanted to make sure that the firearm inventory at UNCLE SAM'S LOANS was sold and paid for as quickly as possible, which is why the "straw purchaser" scheme was developed. ADKINS again related that the motivation to commit the "straw purchases" in question was not to divert the firearms to prohibited people, but simply to secure payment for the firearms in order to prevent losing a firearm sale.



Sam's Loans. Ellis explained that in 2003 he took over the ownership of Tri-State machine shop. As a way of soliciting business from individuals involved in the Coal industry in the Logan County, West Virginia area Ellis started purchasing knives from Uncle Sam's Loans. Ellis would give these knives away to people at the coal mines in an attempt to solicit business for Ellis' business. Ellis submitted that in addition to the knives, Ellis would occasionally purchase a firearm to give to an individual at the coal mines. Ellis stated that early on, he did not purchase very many firearms, in comparison to the number he purchased in the late 2000's through 2012. Ellis explained that the vast majority of the firearms he purchased during this period of time was purchased to give away to individuals in the coal industry.

4. Ellis submitted that in late 2003 he began paying David Runyon cash as a way to secure work for Ellis' company. Ellis explained that initially, in order to generate cash, Ellis was writing himself company checks and cashing the checks. Ellis advised that it made him uneasy to cash so many checks in his name. As a result, Ellis sought out an alternative method to generate his needed cash flow. Ellis submitted that he solicited Roger Muncy and asked if Muncy would cash business checks for Ellis at Uncle Sam's Loans. Ellis related that at the time, Roger and Louise Muncy were fully aware that Ellis needed a method to generate cash flow in order to continue to secure work at the coal mines. As a result, Roger Muncy agreed to cash Ellis' checks, but Muncy charged Ellis a ten (10%) percent fee for cashing Ellis' checks. Ellis explained that when he needed cash to pay the kickbacks to secure work at the coal mines, Ellis would issue a business check made out to Uncle Sam's Loans. Ellis explained that when he cashed the business checks with Roger Muncy, Ellis was only required to pay a ten (10%) check cashing fee. When Ellis cashed the checks with Louise Muncy, she would require a ten (10%) percent check cashing fee, plus Louise Muncy would charge Ellis sales tax on the transaction.
5. Ellis explained that this scheme to generate a cash flow and traffic firearms evolved from a small number of firearms being diverted to numerous firearms being trafficked from Uncle Sam's Loans and diverted to undocumented individuals. Ellis provided a couple instances that initially came to mind in relation to Uncle Sam's Loans being aware that Ellis was securing firearms for other individuals. Ellis related that there was an occasion approximately in 2004 or 2005 that an individual who was a mine supervisor for Massey Coal in Logan County, West Virginia who wanted a special edition Rocky Mountain Elk Foundation 7mm-08 caliber rifle that was at Uncle Sam's Loans. Ellis related that when Ellis picked up the firearm at Uncle Sam's Loans, Roger Muncy knew that Ellis was buying the firearm for the individual known to Ellis as "Red" who worked at Massey Coal. Ellis noted that he only purchased one (1) firearm that went to "Red", because after giving "Red" the above described firearm, Ellis did not receive any work from Massey Coal.
6. Another individual that Ellis recalled was readily known to Uncle Sam's Loans as an individual who received firearms from Ellis was Brock Atwell. Ellis related that Atwell is from Virginia.

11. Ellis explained that "a couple times" Ellis paid ADKINS for firearms, left the firearms at Uncle Sam's Loans and someone else came and picked up the firearms from ADKINS. Ellis stated that on some of these occasions, the firearms being picked up were documented in the firearms records in somebody else's name. Ellis recalled a "few" times that Ellis paid for firearms, but ADKINS put the firearms on the ATF paperwork in another individual's name. Ellis seemed to remember the firearms being put in a woman and a man's name, but Ellis did not have a vivid recollection of the incident.
12. Ellis stated that this scheme continued to evolve starting in approximately 2010 through 2012. Ellis described that this scheme blossomed to the point that when Ellis showed up at Uncle Sam's Loans, ADKINS would point out the firearms that ADKINS wanted. Ellis stated that these firearms were very expensive. Ellis estimated that he would write a check to cover the cost of the firearms to Uncle Sam's Loans in the amount of as much as fifteen thousand (\$15,000) dollars. Ellis stated that there were times that ADKINS picked out the firearms, Ellis wrote the check for amount to cover the firearms retail value, Ellis would then complete the ATF Form 4473 and ADKINS would keep the firearms and give Ellis cash in a smaller amount than the cash value of the check that Ellis wrote. Ellis provided an example of if he wrote a ten thousand (\$10,000) dollar check to Uncle Sam's Loans, ADKINS would give Ellis back approximately seven or eight thousand (\$7,000 - \$8,000) dollars in cash. Ellis estimated that between thirty (30) and forty (40) firearms were documented in this fashion.
13. Ellis advised that there was also approximately four (4) or five (5) occasions when Ellis showed up at Uncle Sam's Loans to cash a check. Ellis stated that on these occasions, ADKINS would have approximately ten (10) to fifteen (15) firearms identified. Ellis would complete the ATF Form 4473's for the firearms ADKINS identified and Ellis gave ADKINS a business check. After this part was complete, ADKINS would assist Ellis with taking the purchased firearms to Ellis's truck. Ellis would then drive over to ADKINS' residence and meet ADKINS. Ellis and ADKINS would then unload the firearms from Ellis' truck and store the purchased firearms in ADKINS' basement. Once this task was complete, ADKINS would then pay Ellis the cash amount that Ellis originally went to Uncle Sam's Loans to obtain. Ellis stated that the only other people who observed ADKINS and Ellis loading firearms into ADKINS'S basement was ADKINS' ex-wife, Beth Adkins and their children. Ellis added that most all of the firearms that were documented in Ellis' name that went to ADKINS were long guns.
14. Ellis related that ADKINS has visited Ellis' home in the past to purchase firearms. Ellis estimates that ADKINS purchased approximately fifty (50) to sixty (60) firearms from Ellis' residence. Ellis stated that ADKINS was "definitely" purchasing the firearms from Ellis in order to re-sale the firearms.
15. Ellis related that he felt like ADKINS was accumulating firearms at ADKINS' residence in order to set up his own store, separate from Uncle Sam's Loans.

22. At the conclusion of the interview, Ellis clarified that when he started dealing with Uncle Sam's Loans, Roger and Louise Muncy both knew what Ellis was doing and why Ellis needed to generate cash. Ellis stated that once Roger Muncy got sick and Ellis started dealing with ADKINS, Louise Muncy was aware that Ellis was conducting the same sort of transactions with ADKINS, on behalf of Uncle Sam's Loans.

the file copy of this report.

4. Initially, Ellis was provided the spreadsheet of his documented firearms purchases. As Ellis reviewed the document, S/A Cunningham instructed Ellis to review the document and identify the firearms listed that Ellis knows he purchased for himself by placing a check mark (✓) beside each of the listed firearms that Ellis purchased from UNCLE SAM'S LOANS for himself. Ellis did as instructed and was able to identify forty three (43) firearms listed as being firearms that he purchased for his own personal firearms collection. Ellis related that the forty three (43) firearms he identified, was most all of his personal collection. Ellis went on to explain that once he became prohibited from possessing firearms, he transferred approximately fifty (50) to sixty (60) firearms from his residence to a third party.
5. Once Ellis conclude his identification of the firearms listed on the inventory that he definitely purchased for himself, S/A Cunningham instructed Ellis to identify the firearms that he definitely knows were sold from UNCLE SAM'S LOANS in Ellis' name, but were picked out by, purchased for and delivered to Steven "Noodle" ADKINS. S/A Cunningham related to Ellis that S/A Cunningham was looking to identify the firearms that Ellis previously identified as being the firearms that ADKINS already had picked out for Ellis to appear to purchase and then deliver to ADKINS at ADKINS'S residence. Ellis meticulously went through the inventory of firearms and denoted these firearms by placing an "N" beside the firearms/groups of firearms that Ellis recalls as being listed in Ellis' name, but bought for Steven ADKINS. S/A Cunningham instructed Ellis that if he has a doubt concerning if a firearm was one that ADKINS picked out and received, that Ellis should not mark the firearms. S/A Cunningham emphasized that if Ellis has any doubt, that Ellis should give ADKINS the benefit of the doubt. After Ellis carefully reviewed the firearm inventory, Ellis identified forty three (43) firearms that were purchased on ATF Form 4473's in Ellis' name, but were picked out by ADKINS and delivered to ADKINS' residence. The firearms that Ellis did not mark as being delivered to ADKINS or being purchased by Ellis for his personal collection were definitely not obtained by Ellis. Ellis explained that he did not know who received the unmarked firearms on the firearms inventory, but Ellis suspects that ADKINS also took possession of the firearms.
6. After Ellis completed the review of the inventory list of firearms, Ellis expressed a couple concerns related to the descriptions of some of the firearms listed as being sold to Ellis. First of all, Ellis stated that he noted there were a couple rifles in .30-06 caliber listed in the inventory. Ellis stated that he never would have purchased a .30-06 caliber rifle. Ellis explained that he did not like the .30-06 caliber rifle.
7. Ellis noted that there were two (2) .338 caliber rifles on the firearms inventory. Ellis related that he specifically recalls that he only purchased one (1) .338 caliber rifle. Ellis advised that he purchased the .338 caliber rifle in 2011, filled out the paperwork and that ELLIS never even carried the firearm out UNCLE SAM'S LOANS. Ellis related that when he completed the

explained that after buying the four (4) Colt M-4 rifles, ADKINS came to Ellis' residence and paid Ellis an inflated price in order to buy two (2) of the Colt M-4 rifles. Ellis stated that he believes ADKINS paid him three thousand (\$3,000) to three thousand five hundred (\$3,500) a piece to buy back two (2) of the Colt M-4 rifles.

12. S/A Cunningham inquired if Ellis sold the M-4 rifle to ADKINS as an individual or to UNCLE SAM'S LOANS. Ellis related that he did not know if ADKINS was buying the firearms himself or on behalf of UNCLE SAM'S LOANS, but Ellis did not complete any paperwork to consummate the transaction.
13. At this point, Ellis related that he noticed that ADKINS always seemed to have a large amount of cash in his pocket. Ellis stated that he owned his own business and that Ellis made a great deal of money, but ADKINS always seemed to have more money in his pocket than Ellis. Scott Ellis related that he figured that ADKINS made ten (\$10) to twelve (\$12) dollars per hour working at UNCLE SAM'S LOANS, which was why Ellis was puzzled about how ADKINS was able to carry such a large amount of cash, unless the cash belonged to Roger MUNCY.
14. Ellis related that he spoke to ADKINS when ADKINS was considering buying an interest of UNCLE SAM'S LOANS, with the intentions of ultimately buying the MUNCY'S out of UNCLE SAM'S LOANS. Ellis advised that he understands that Roger and Louise MUNCY are board members of the Bank of Mingo. As a result, the MUNCY'S were able to push through a loan for ADKINS to be able to purchase an interest in UNCLE SAM'S LOANS. Ellis submitted that ADKINS told him that the MUNCY'S were able to get ADKINS a three hundred thousand (\$300,000) dollar loan. In turn, ADKINS paid the three hundred thousand (\$300,000) dollars to Roger and Louise MUNCY. Ellis related that ADKINS explained to him that ADKINS would pay the loan debt off by working at UNCLE SAM'S LOANS. Ellis added that it was a win for the MUNCY'S because if ADKINS defaulted on the loan, the MUNCY'S would maintain the ownership of UNCLE SAM'S LOANS, as well as the three hundred thousand (\$300,000) dollars that ADKINS originally paid for his interest in the business.
15. Ellis advised that after reviewing the list of firearms provided, Ellis is able to discern that in 2010 was when ADKINS began picking out the firearms to be placed on Ellis' ATF Form 4473's. These were the same firearms that after the paperwork was completed, Ellis would deliver to ADKINS' residence, receive his cash payments that were used to facilitate his payments at Mt. Laurel to assure that Ellis' company was hired to perform work at the mine. Ellis related that he definitely delivered more firearms from UNCLE SAM'S LOANS to ADKINS' residence than are listed on the firearms inventory supplied.
16. Ellis noted that a Sig Sauer handgun was listed on the firearm inventory. Ellis advised that the only Sig Sauer pistol he recalls buying was a .40 caliber pistol for David Runyon. Ellis related



release, just like Ellis. One of the terms of Ellis' release was that he could not possess a deadly weapon, like a compound bow and arrow. Ellis stated that Herndon has been shooting his compound bow and has been going deer hunting with his compound bow. Ellis related that he did not think it was right that Herndon could enjoy hunting and shooting a compound bow and Ellis was not permitted to partake in similar activities. S/A Cunningham related that he would share the information with the United States Attorney's office.

Attachment: Spreadsheet of Scott Ellis Purchases

that in 2008, Melinda Boyd was the firearms manager at Uncle Sam's. Not long after Noel started working at Uncle Sam's Loans, Muncy was planning on promoting Boyd to a General Manager position at Uncle Sam's Loans. Noel stated that ADKINS realized that if BOYD became the General Manager that ADKINS would not be able to obtain the position he desired as part owner in Uncle Sam's Loans. As a result, ADKINS set up Boyd to make it look like Boyd stole a sum of money from Uncle Sam's Loans. Noel advised that in reality, ADKINS stole the money, but made it look like Boyd was responsible. Ultimately, Boyd quit Uncle Sam's Loans and ADKINS was elevated to the position of partial owner in Uncle Sam's Loans.

4. Noel advised that when he started working with Muncy and ADKINS he told ADKINS that Noel was addicted to pain pills. In addition to Noel advising ADKINS of his addiction, Noel's father also informed ADKINS that Noel was addicted to drugs. Noel explained that the entirety of the time he worked with ADKINS, Noel was addicted to prescription pain medicine. Noel advised that he is now being treated for his addiction and is prescribed Suboxone to treat his addiction.
5. Noel explained that when Boyd was the firearms manager at Uncle Sam's Loans, ADKINS started a scam to have straw ATF Form 4473's completed in order to divert firearms to the secondary market. Noel stated that ADKINS was initially very subversive in this practice because ADKINS believed that Boyd would have turned ADKINS in for breaking the law. Once Boyd was no longer employed at Uncle Sam's Loans, ADKINS became more brazen in this criminal practice. Noel estimated that in approximately 2010 ADKINS had this scheme up and running on a pretty large scale. Noel explained that ADKINS began paying people to complete and sign ATF Form 4473's. ADKINS would then divert the firearms from a legitimate firearms transaction after the NICS check was returned. These firearms were funneled to prohibited individuals, as well as individuals who did not desire to have the firearms "registered in their name."
6. At this point, S/A Cunningham inquired why ADKINS would go to the trouble of conspiring with and paying people to complete straw ATF Form 4473's, when many of the people receiving the firearms were not prohibited. Noel explained the majority of the people who were not prohibited that obtained the diverted firearms did so because they were giving the firearms away as gifts to people involved in the coal business. Noel estimated that ADKINS had approximately twenty (20) different people who ADKINS directed Noel to deliver firearms. Noel identified the following individuals who definitely obtained some of these diverted firearms, just so they could give the firearms away to employees, customers and others associated with the coal business; Scott JOHNSON, Matt JUSTICE, Trampas SHANNON, the owner of Reno's in Logan, West Virginia, Stoney WHITE, the owner of American Hydraulics, Kenny MORGAN and Paul COLLINS of Pineville Machine Services. Noel continued and explained that there were others who received these firearms and if Noel recalls their names he will contact S/A Cunningham. Noel continued and explained that most of the aforementioned

a sum of money for each firearms listed on the form. Noel continued and explained that usually, ADKINS would already have the ATF Form 4473 completed when the individuals showed up at Uncle Sam's Loans. All the straw purchasers would be required to do was simply sign their names and collect their fees from ADKINS. Noel added that Christina Deer-Miller and her daughter, Brittany Browning both probably completed the ATF Form 4473's at the direction of ADKINS, but Noel never did observe either of them complete the forms.

12. S/A Cunningham asked for Noel to identify the individuals that ADKINS knew was prohibited, but ADKINS knowingly provided firearms. Noel stated that first of all, he was a drug addict and ADKINS provided him hundreds, if not thousands of firearms to deliver to people. In addition to himself, Noel stated that Clifford Mullins' uncle "Rocky" Mullins is a convicted felon. Noel explained that he knows that Rocky Mullins paid ADKINS an additional fifty (\$50.00) dollars in order to secure a firearm from ADKINS. Noel identified Ralph Caudill as being an illegal drug user. Noel stated that he does not know if Ralph Caudill ever obtained a firearm from ADKINS, but he certainly did complete ATF Form 4473's at the direction of ADKINS.
13. Noel stated that Mickey Shawn Caudill obtained firearms from ADKINS. Noel was not sure if Mickey Shawn Caudill obtained the firearms from ADKINS before or after he was convicted of a felony. Noel stated that ADKINS did provide firearms to Mickey Caudill Sr. after Caudill Sr. was a convicted felon. Noel related that he does not know whose name the firearms were sold under that went to Mickey Shawn Caudill and Mickey Caudill Sr.
14. Noel related that in approximately 2012 through 2013 ADKINS directed Noel to deliver a quantity of firearms to Jim GRIMMETT on approximately three (3) or four (4) separate occasions. S/A Cunningham inquired about the circumstances surrounding the firearms deliveries to Jim GRIMMETT. Noel explained that ADKINS told Noel to pull his truck around the back of Uncle Sam's Loans. When Noel got to the rear of Uncle Sam's Loans, ADKINS brought out several firearms and loaded them in Noel's truck. ADKINS directed Noel to deliver the firearms to Jim GRIMMETT at GRIMMETT'S residence and to tell GRIMMETT that ADKINS would get with GRIMMETT at a later time to even up for the firearms in question. Noel related that he did as directed. Noel explained that each time he arrived at GRIMMETT'S residence, Jim GRIMMETT met him in the driveway. Noel explained that he unloaded the firearms, gave the firearms to GRIMMETT and departed.
15. Noel stated that the last time he delivered firearms from Uncle Sam's Loans to Jim GRIMMETT, Noel delivered two (2) Kimber pistols, a Remington model 700, .243 caliber rifle and a Browning A-Bolt, .270 caliber rifle.
16. S/A Cunningham inquired if Noel was aware if GRIMMETT'S brother, Rick Grimmert would buy firearms in his name in order to provide the firearms to his brother, Jim GRIMMETT. Noel

was occasions that ADKINS provided Noel firearms to deliver to Morgan. Noel recalled that the last firearm he delivered to MORGAN was a limited edition, .22 caliber lever action rifle. Noel stated that he completed the ATF Form 4473 in his name for this particular firearm. Noel explained that right around the time that ADKINS was going through his divorce, ADKINS started getting supplied Marijuana and Cocaine (HCL) from MORGAN. Noel stated that ADKINS consumed the Marijuana and sold the Cocaine (HCL). At this point, Noel explained that ADKINS was not making very much money working at Uncle Sam's Loans. Noel stated that despite ADKINS' meager wages, ADKINS purchased a big, nice home, with a pool in South Man, West Virginia.

- totality of firearms depicted in the Multiple Sale Reports total thirteen (13) firearms. A copy of each of the identified Multiple Sales Reports shall be attached to the file copy of this report. After reciting the aforementioned thirteen (13) firearms in question, S/A Cunningham inquired if West recalled purchasing the firearms. West stated that he did not purchase any of the firearms in question. S/A Cunningham inquired of West if he did not purchase the firearms in question, how did the Multiple Sale Reports have West listed as the purchaser of each of the firearms. West explained that on each of the above incidents, West received a telephone call from his ex-brother-in-law, Steven Lamar "Noodle" ADKINS, who works at and is a partial owner of Uncle Sam's Loans. West continued and explained that ADKINS requested that West visit Uncle Sam's Loans and execute the ATF Form 4473 forms by affixing his signature. West advised that in return for signing the forms in question, ADKINS paid West twenty (\$20.00) dollars per executed ATF Form 4473. West continued and explained that on each occasion he was contacted by ADKINS to sign an ATF Form 4473, the form was already filled out by ADKINS when West arrived. West stated that he simply signed his name on the form and collected his fee from ADKINS. West submitted that he knows that his actions were wrong, but receiving twenty (\$20.00) dollars from ADKINS simply for signing his name was hard to pass up since West was unemployed at the time. West estimated that he signed ATF Form 4473's at the direction of ADKINS approximately four (4) to five (5) times.
5. West stated that the only individual he has definitely heard of that also filled out ATF Form 4473's in exchange for payment from ADKINS was Shane Noel. West stated that he does not know the names of the other people ADKINS utilized to falsely complete ATF Form 4473's, but West stated that he understands that ADKINS utilizes several different "crackheads" and drug users to sign ATF Form 4473's. As the interview progressed, West stated that he understands that Matt Ellis, a chiropractor in Man, West Virginia may have also signed false ATF Form 4473's at the request of ADKINS.
  6. West explained that he only quit signing the ATF Form 4473's for ADKINS because West's driver's license expired and that ADKINS and West's sister, Beth Adkins got divorced. In addition, in approximately April 2013 West related that he started working a regular job. As a result of these circumstances, ADKINS quit soliciting West to sign ATF Form 4473's in exchange for payment.
  7. S/A Cunningham inquired of West who could authenticate that ADKINS completed ATF Form 4473's and paid West to sign each form. West stated that there were other Uncle Sam's Loans employees present on the occasions ADKINS solicited West to sign fraudulent ATF Form 4473's. West identified the Uncle Sam's Loans employees as Phillip Gillespie, Eric Allen and Brent (LNU).
  8. S/A Cunningham inquired if West knew what happened to the firearms listed on the above described Multiple Sale Reports. West stated that he was not positive, but West understood that



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### SUMMARY OF EVENTS:

Interview of Christina Michelle Deer-Miller

### NARRATIVE:

1. On Wednesday, July 8, 2015 at approximately 1555 hours, Special Agent (S/A) G. Robert Cunningham located Christina Michelle Deer-Miller, a white, female, Date of Birth: 5-6-1971, Social Security Number: [REDACTED], of [REDACTED] ( [REDACTED] ), [REDACTED], [REDACTED], phone: [REDACTED]. Deer-Miller was walking south along West Virginia Route 10, near the unincorporated community of Crown, West Virginia. At this time, S/A Cunningham stopped his Government Owned Vehicle (GOV), and spoke with Deer-Miller. Immediately, S/A Cunningham verbally identified himself as a Special Agent with ATF and subsequently displayed his ATF issued credentials and badge for Deer-Miller's visual inspection. After Deer-Miller visually inspected S/A Cunningham ATF issued credentials, Deer-Miller related that she was willing to submit to an interview with S/A Cunningham, but Deer-Miller was late for work. S/A Cunningham offered to provide Deer-Miller a ride the remaining distance to her place of employment. Deer-Miller accepted and while traveling to Deer-Miller's job site, S/A Cunningham initiated the interview in question.
2. Upon arrival at Deer-Miller's place of employment, Deer-Miller indicated that she needed to tell her employer that she was meeting with S/A Cunningham in the parking lot and that she would report to work at the conclusion of the interview.
3. Once this task was complete, Deer-Miller returned to S/A Cunningham's GOV and indicated that she was prepared to commence with the interview in question.
4. S/A Cunningham inquired if Deer-Miller has ever purchased any firearms. Deer-Miller related

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Second level reviewer (optional): Stuart L. Lowrey	Title: Special Agent in Charge, Louisville Field Division	Signature:	Date:



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already completed. Deer-Miller advised that she had to sign her name two (2) or three (3) different occasions on that particular occasion.

8. Deer-Miller related that she did not know if her daughter, Brittany Browning ever completed the ATF Form 4473's for ADKINS. Deer-Miller explained that she did not doubt if Browning would have signed the forms, especially if ADKINS was paying people to execute the forms. Deer-Miller added that if Browning did complete ATF Form 4473's for ADKINS that her boyfriend at the time, Ricky Gene Grimmett would have also completed the forms for ADKINS.
9. Deer-Miller related that Shane Noel told her that he also completed ATF Form 4473's at the direction of ADKINS. Deer-Miller advised that Noel told her that he completed several ATF Form 4473's for ADKINS. Deer-Miller also stated that Noel informed her that ADKINS got Noel in some sort of trouble over a firearm. Deer-Miller did not know the specifics of this incident, other than what Noel told her. Deer-Miller added that Noel told her that since ADKINS got him in trouble, ADKINS has stopped having Noel fill out ATF Form 4473's for other people to obtain firearms.
10. At the conclusion of the interview, S/A Cunningham asked Deer-Miller to try and think of any person(s) who could verify the process Deer-Miller described concerning the instances where Deer-Miller completed ATF Form 4473's at the direction of ADKINS. Deer-Miller stated that her daughter, Brittany Browning was with her once or twice when Deer-Miller completed the ATF Form 4473's. In addition, Deer-Miller related that she recalls an employee named "Eric" who was working at Uncle Sam's Loans with ADKINS on one (1) or more of the occasions Deer-Miller completed the fraudulent ATF Form 4473's.
11. Deer-Miller added that she recalls that she initially started completing the ATF Form 4473's around the same time period as when ADKINS was in the process of moving from Accoville, West Virginia to his current residence in South Man, West Virginia. Deer-Miller reiterated that she only completed these ATF Form 4473's at the direction of ADKINS for a "couple months" and then ADKINS never requested Deer-Miller's assistance again.

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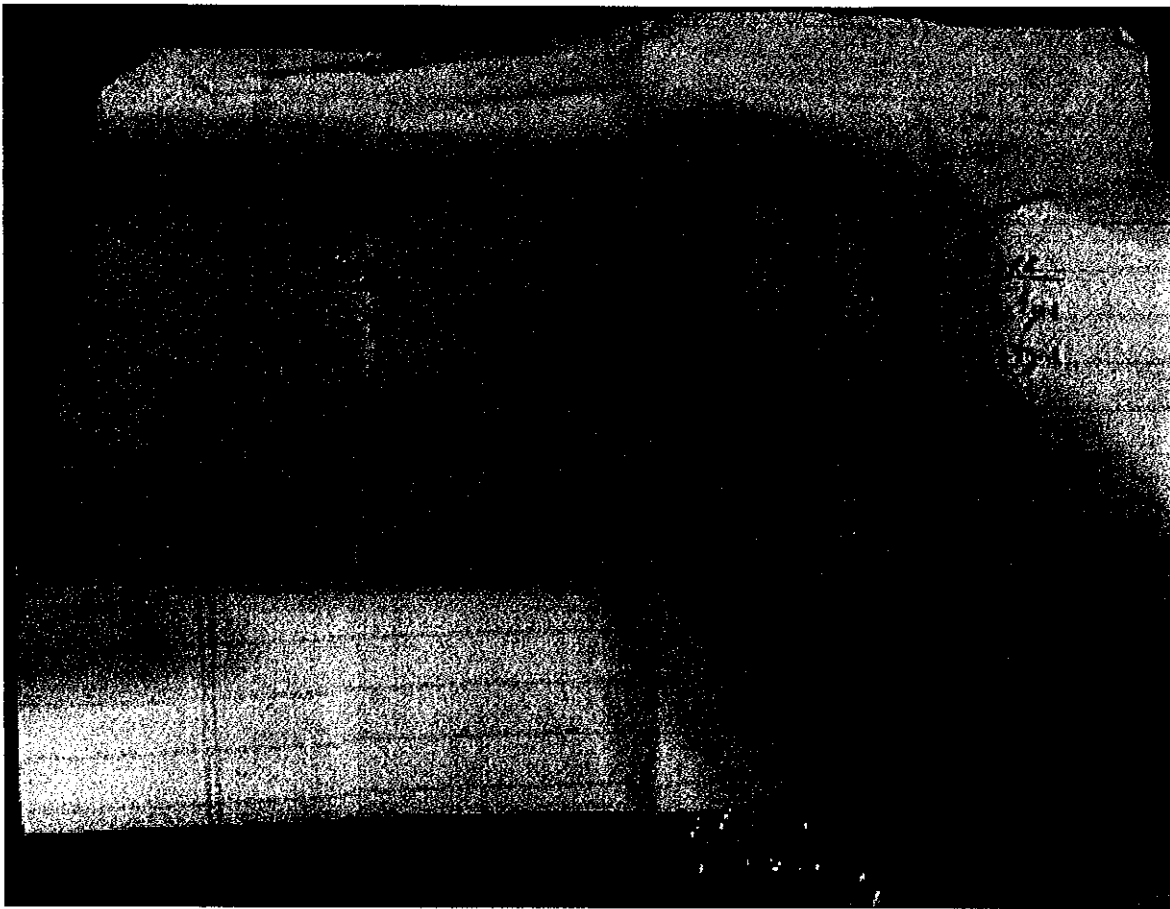
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4. Vest reiterated that she has never purchased a firearm. Vest added that she could not afford to buy any of the above described firearms.
5. Vest related that she previously rented an apartment from Roger Muncy, the owner of Uncle Sam's Loans. In addition, Vest stated that approximately three (3) to four (4) years ago Vest's boyfriend, Clifford Mullins worked at Uncle Sam's Loans. Vest stated that Mullins ultimately got fired from his position as a result of being accused of stealing. Vest held that Scotty "Noodle" Adkins, who is a part owner in Uncle Sam's Loans, was the individual who was actually stealing the merchandise.
6. Vest confirmed that she supplied her personal identifiers to Muncy when she rented the apartment from Muncy. Vest suspects that Muncy obtained her personal identifiers from the rental papers she completed.
7. Vest stated that while her boyfriend was working at Uncle Sam's Loans Adkins asked Vest to fill out some paperwork like she was making a firearms purchase. Vest stated that she denied Adkins' request and until recently when she found out that the aforementioned firearms were "in her name" did she ever suspect anything about Adkins' request.
8. Vest related that while she was a renter of Muncy's, one of the employees at Uncle Sam's was Melinda Fields. Vest estimated that Fields worked at Uncle Sam's Loans in excess of ten (10) years. Vest stated that she understands that Fields got fired from Uncle Sam's Loans because Fields was going to tell ATF about several unscrupulous acts that Muncy was doing in conducting his firearm business.

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4. At this time, S/A Cunningham provided Vest with a blank ATF Form 4473 and requested that Vest complete the document in her own handwriting. Once Vest completed this task, S/A Cunningham collected the first writing sample. S/A Cunningham provided Vest with another blank ATF Form 4473 and requested that Vest again complete the ATF Form 4473. After this task was complete, S/A Cunningham collected the second exemplar and repeated the same process a third time. After the third writing exemplar was secured, S/A Cunningham provided Vest with copies of two (2) ATF Form 4473's that were obtained from Uncle Sam's Loans. These ATF Form 4473's are identified as NICS Transaction Number(s): 1T3X-XMB and 1SRB-7LX. The known handwriting exemplars are identified as "Sample #1, Sample #2, Sample #3" and each has S/A Cunningham's initials "GRC" at the top of each exemplar. The original of these documents shall be attached to the file copy of this report.
5. After reviewing the two (2) ATF Form 4473's obtained from Uncle Sam's Loans, Vest conceded that she had filled out both of the ATF Form 4473's in question. Vest explained that during the time period that the ATF Form 4473's were completed, Vest was renting an apartment from Roger Muncy, the principal owner at Uncle Sam's Loans in Man, West Virginia. In addition, Vest related that during the time period in question, Vest was unemployed and that Steve "Noodle" ADKINS was simply an employee at Uncle Sam's Loans. Vest explained that at some point, ADKINS became a business partner of Muncy and part

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11. In the process of preparing this typed interview, S/A Cunningham reviewed a West Virginia State Police Case Study Report and an Memo of Interview Report of Chad Lusk. Each of these documents contain pertinent criminal intelligence associated with Uncle Sam's Loans in Man, West Virginia. As a result, each of these items shall be attached to the file copy of this report.

Attachments:        Three (3) handwriting exemplars  
                             Two (2) ATF 4473's  
                             WVSP Case summary  
                             WVSP Chad Lusk interview



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were shown in the A&D Book at Uncle Sam's Loans as going to Noel, but ADKINS diverted those firearms to ELLIS or JUSTICE. Mullins estimated that he first observed ADKINS having Noel complete ATF Form 4473's in order to provide firearms to other people in approximately 2009 or 2010.

4. Mullins stated that in addition to working at Uncle Sam's Loans, ADKINS runs a black market sporting goods business out of ADKINS' residence. Mullins advised that ADKINS has several thousand rounds of ammunition, a plethora of firearms, compound bows and various other items associated with hunting that ADKINS sells from his residence. Mullins explained that ADKINS has individuals who steal ammunition, hunting broad heads, as well as other items associated with outdoor activities. These individuals bring the stolen property to ADKINS, who either sells the items from his residence or he sells the items from Uncle Sam's Loans. Mullins explained that he has watched ADKINS bring in a box of stolen broad heads, stock them as inventory at Uncle Sam's Loans and then credit his account for the retail cost of the stolen broad heads that he stocked as inventory. Mullins related that much of the stolen property ADKINS takes in is stolen from Gander Mountain in Beckley and Charleston, West Virginia. Mullins identified some of the individuals who provide ADKINS with stolen property as Anthony COPLEY and Gary WHITT.
5. Mullins advised that the way he found out about the scheme that Noel and ADKINS had with Noel falsely completing ATF Form 4473's was that Mullins purchased a set of broad heads from ADKINS, at ADKINS' residence for a much discounted rate than the employees paid at Uncle Sam's Loans. After this purchase, Mullins became more knowledgeable about the different criminal schemes that ADKINS was involved. Mullins stated that after this purchase, ADKINS informed Mullins that the firearms listed on Shane Noel's ATF Form 4473's was being diverted to Scott ELLIS and Matt JUSTICE. Mullins explained that after observing Noel complete the ATF Form 4473's at ADKINS' direction and ADKINS' statement that the firearms listed on Noel's ATF Form 4473's were being diverted to JUSTICE and ELLIS, confirmed Mullins's suspicion of ADKINS' illegal criminal activity.
6. Mullins stated that he does not know of a specific instance where ADKINS diverted a firearm from Uncle Sam's Loans to a prohibited person, but Mullins believes it has happened. Mullins advised that his uncle, Rocky Mullins, who is prohibited from possessing firearms, told Mullins that if he wants a gun all he has to do is pay ADKINS an extra fifty (\$50.00) dollars and Rocky Mullins would be able to purchase the firearm from ADKINS. S/A Cunningham encouraged Mullins to speak with his uncle and arrange a meeting with Rocky Mullins and S/A Cunningham.
7. Mullins identified Phillip Gillespie, Thomas Riley and Melinda Boyd as employees who worked at Uncle Sam's Loans during Mullins' term of employment. Mullins suggested that S/A Cunningham interview each of the individuals listed. Mullins stated that Gillespie still

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### SUMMARY OF EVENTS:

Interview of Stephen Brent Herndon

### NARRATIVE:

1. On Thursday, June 25, 2015 at approximately 1400 hours, FBI Special Agent Sherry Payette, AUSA Meredith Thomas, USAO Investigator Steve Rowley and Special Agent (S/A) G. Robert Cunningham conducted an interview at the United States Attorney's Office (USAO) in Charleston, West Virginia with Stephen Brent HERNDON, a white, male, Date of Birth: 2-13-1977, Social Security Number: [REDACTED], of [REDACTED]. This interview was conducted pursuant to a signed plea agreement between HERNDON and the United States of America.
2. Upon initiation of the interview, AUSA Thomas explained to HERNDON that his attorney was aware of the interview in question and that his counsel was unable to attend the interview. HERNDON conceded that that he was comfortable with speaking to the representatives of the United States Government without his attorney. In addition, AUSA Thomas directed HERNDON to immediately stop the interview if any questions posed to him created any uneasiness and arrangements would be made to continue the interview in the future, after HERNDON had consulted his attorney. HERNDON reiterated that he was comfortable with continuing the interview in question and that he would definitely advise if he believed he needed to speak to his attorney.
3. The initial part of this interview dealt with questions surrounding the financial investigation involving a charged "kickback" scheme involving several individuals doing business with Arch Coal. The minutia of this portion of HERNDON'S interview were documented by S/A Payette and shall be memorialized in an FBI 302.

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problems, ELLIS started going directly to ADKINS to complete the money laundering transactions.

8. HERNDON related that ELLIS obtained several firearms from Uncle Sam's Loans. HERNDON estimated that ELLIS had approximately forty (40) firearms stored at his residence, prior to his felony conviction. HERNDON explained that ELLIS routinely gave firearms to people who worked at the different coal mines. HERNDON stated that ELLIS has given HERNDON a firearm in the past. HERNDON described the firearms ELLIS distributed as being "new in the box". HERNDON also identified Gary Griffith, Jason Stratton and Brock Atwell as being individuals who ELLIS gave firearms.
9. HERNDON stated that ADKINS was also running a business out of ADKINS' residence. HERNDON stated that ADKINS sold the exact same merchandise that was for sale at Uncle Sam's Loans, except that the merchandise was marked down a couple hundred dollars less than you were able to buy at Uncle Sam's Loans. HERNDON explained that a specific compound bow costs eight hundred (\$800) dollars at Uncle Sam's Loans. ADKINS sold the same compound bow, brand new, for six hundred (\$600) dollars. HERNDON related that in approximately 2010-11, HERNDON purchased a compound bow from ADKINS' residence. In addition to HERNDON purchasing a compound bow from ADKINS' residence, HERNDON stated that Bucky Sergeant purchased a new compound bow from ADKINS at ADKINS' residence.
10. As this interview concluded, HERNDON advised that ELLIS was the individual who originally provided HERNDON with the information concerning ADKINS and Uncle Sam's Loans. HERNDON suggested that S/A Cunningham speak with ELLIS in order to garner additional information concerning ADKINS and Uncle Sam's Loans.

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4. Blair stated that when she started working at Uncle Sam's Loans, her son, Steven Lamar ADKINS was a clerk at the store. In addition, Blair identified Melinda Boyd as the store manager and Phillip Gillespie as another clerk at Uncle Sam's Loans. Blair explained that it was Boyd's responsibility to train Blair concerning how to properly sell firearms. Blair stated that in addition to Boyd training Blair, Phillip Gillespie also was involved in training Blair concerning the proper way to conduct firearm sales. At this time, S/A Cunningham asked Blair several questions concerning the process she followed when selling a firearm. During this portion of the interview, Blair informed S/A Cunningham that she last worked at Uncle Sam's Loans in approximately 2012, but Blair still knows the ATF Form 4473 "like the back of my hand." Blair indicated that during her period of employment with Uncle Sam's Loans, she has been involved in numerous firearms transactions. At this time, Blair recited a lengthy number that Blair represented to be the ATF Federal Firearms License Number for Uncle Sam's Loans. S/A Cunningham inquired why her son, ADKINS did not train her in the proper way to conduct firearms transactions. Blair stated that ADKINS was always too busy to instruct her. Blair submitted that she and ADKINS have a strained relationship.
5. At this time, S/A Cunningham questioned Blair concerning several firearms transactions involving Scott Ellis and Shane Noel where Blair signed the form as the individual conducting the transaction. Blair related that she does not recall Ellis, but stated that if she signed the ATF form 4473 that she conducted the firearm sale. Blair related that she knows Noel and that she recalls selling him firearms. Blair confirmed that "a couple years ago" a friend of Blair's told her that Noel was a drug addict. Blair continued and advised that Noel's father, Norman Noel also informed Blair that Shane Noel was addicted to drugs.
6. Blair denied that ADKINS or anyone else ever asked Blair to just sign an ATF Form 4473, without the listed purchaser actually being the individual taking possession of the firearm(s). Blair stated that every time she signed an ATF Form 4473 as the person conducting the firearms transaction, Blair observed the listed purchaser exit the store with the firearm. Blair held that she does not know of any illegal firearms transactions taking place at Uncle Sam's Loans. S/A Cunningham inquired if Blair ever attempted to conduct a firearms transaction and the individual purported to be purchasing the firearm was denied by the NICS Center. Blair stated that she does not recall anyone she sold firearms being delayed or denied the firearm transaction.
7. Blair stated that she was not aware that Shane Noel ever worked at Uncle Sam's Loans. Blair related that Noel must have worked at Uncle Sam's Loans after Blair quit working at Uncle Sam's Loans. Blair stated that she quit working at Uncle Sam's Loans due to her deteriorating health.

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### SUMMARY OF EVENTS:

Interview of Elizabeth Ann Adkins

### NARRATIVE:

1. On Tuesday, June 23, 2015, at approximately 1440 hours, Special Agent (S/A) G. Robert Cunningham traveled to the Rite Aid Pharmacy on Huff Creek Road in Man, West Virginia in an attempt to locate and interview Elizabeth Ann Adkins, a white, female, Date of Birth: 8-1-1977, Social Security Number: [REDACTED], of [REDACTED], phone: [REDACTED].
2. Upon arrival, S/A Cunningham was greeted by Adkins. Initially, S/A Cunningham verbally identified himself as a Special Agent with ATF and subsequently displayed his ATF issued credentials and badge for Adkins' visual inspection. After Adkins visually inspected S/A Cunningham ATF issued credentials, Adkins related that she was willing to submit to an interview with S/A Cunningham.
3. At this time, S/A Cunningham and Adkins proceeded to S/A Cunningham's ATF issued GOV in order to commence with the interview in question. Adkins initially related that she was expecting S/A Cunningham to come speak with her. Adkins continued and explained that she has already spoken to her brother, Brian "Gummy" West and Clifford Mullins, who both advised Adkins that S/A Cunningham had interviewed them concerning Uncle Sam's Loans and Steven ADKINS.
4. Adkins confirmed that she and Steven "Noodle" ADKINS, phone: [REDACTED], were married, have two (2) children together and have been divorced for a little bit more than one (1) year. Adkins continued and submitted that she previously was employed at Uncle Sam's Loans

Prepared by: Guy R. Cunningham	Title: Special Agent, Charleston Field Office	Signature:	Date:
Authorized by: Lissa G. Jordan	Title: Resident Agent in Charge, Charleston Field Office	Signature:	Date:
Second level reviewer (optional): Stuart L. Lowrey	Title: Special Agent in Charge, Louisville Field Division	Signature:	Date:





Title of Investigation:  
Uncle Sam's Loans

Investigation Number:  
775020-15-0120

Report Number:  
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related that she knows that Steven ADKINS has provided firearms to Jim GRIMMETT, who is a convicted felon. Adkins explained that Jim GRIMMETT would come into the store and pick out a specific firearm that he wanted. As a result, Steven ADKINS would set the firearm aside and wait for GRIMMETT'S brother, Rick Grimmnett to come into the store. At this time, Rick Grimmnett would complete the ATF Form 4473, as the purchaser of the firearm Jim GRIMMETT had picked out. After Rick Grimmnett's NICS check was complete, Rick Grimmnett would depart with the firearm in question. Adkins added that Rick Grimmnett does purchase firearms for himself at Uncle Sam's Loans, but he also completes the form and takes the firearms from Uncle Sam's Loans that Jim GRIMMETT had picked out and had set aside until Rick Grimmnett could secure the firearm(s) in question on behalf of Jim GRIMMETT. Adkins related that Rick Grimmnett lives in a double wide trailer beside the car wash on Huff Creek in Man, West Virginia.

8. At this time, S/A Cunningham asked Adkins to identify the people she personally knows of that has completed ATF Form 4473's at the direction of Steven ADKINS in exchange for money. Adkins stated that she observed Christy Vest, Brian West, Shane Noel, Brittany Browning and Browning's mother, Christine (LNU) each complete ATF Form 4473's at the direction of Steven ADKINS, at Uncle Sam's Loans. Adkins related that Browning is addicted to prescription medication and described Browning as "a pill head".
9. Adkins stated that Donna Vest, of Buffalo Creek Road routinely borrowed money from Steven ADKINS, so Adkins believes that Vest would have completed ATF Forms at the direction of Steven ADKINS, but Elizabeth Adkins has not observed Vest complete any ATF Form 4473's.
10. S/A Cunningham inquired about what benefit Steven ADKINS has to causing false ATF Form 4473's to be completed, only to provide the firearms listed on the ATF Form 4473 to people who are not prohibited from possessing firearms. Adkins explained that a great number of the firearms listed on the false ATF Form 4473's leave Uncle Sam's Loans and are taken over to ADKINS' house, where Steven ADKINS sells them for a profit. Adkins explained that the people associated with the coal companies would come to Uncle Sam's Loans and pick out the firearms. They would not want the purchase to be tied to the individual picking up the firearms, so the receipt for the firearms would not show the purchase of a firearm, but would show the purchase of mining boots or some other non-firearm product. The sale price of the firearm would be undervalued on the bogus receipt and the firearm descriptions would be added to the false ATF Form 4473's. Once this was complete, the ATF Form 4473 was submitted to the NICS Center and the individual making the purchase would leave with the purchased firearms. Adkins continued and stated that the purchaser of the firearms would often deliver several, if not all of the firearms to Steven ADKINS at his residence, where ADKINS purchased the firearms back at the discounted price. ADKINS then sold the firearms from his unlicensed, pseudo-firearms business that he runs out of his residence. ADKINS sold these firearms cheaper than retail, but for a profit from what he had in each firearm.

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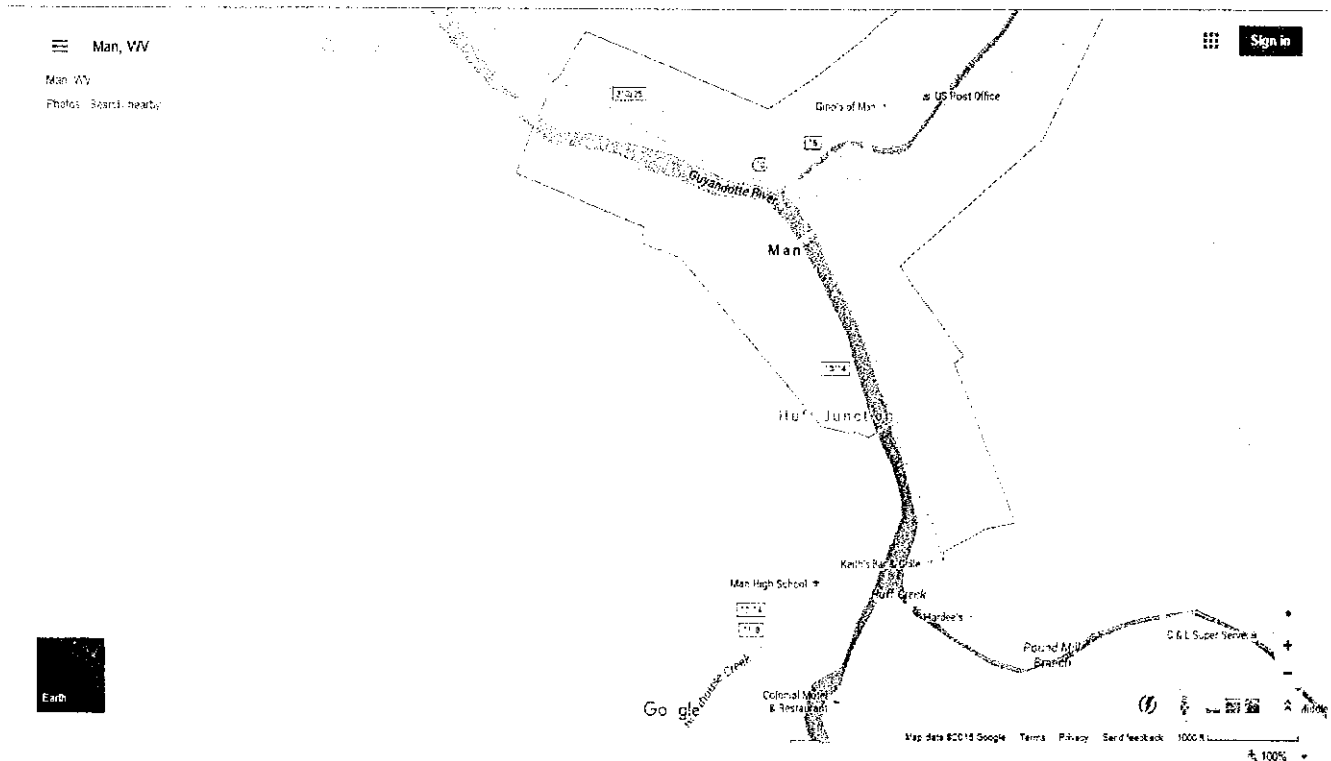
ADKINS and subsequently placed a consensual telephone call to Louise Muncy during the interview.

15. On this same date, at approximately 1510 hours the interview was stopped so Adkins could return to work without being docked any money. Adkins indicated that she was amicable to continuing this interview in the future.

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2. Upon reviewing the map, S/A Cunningham was able to discern that the residential address for Roger and Louise Muncy, 914 Hensley Heights Road Man, West Virginia is clearly located outside of the boundaries of the City of Man, West Virginia. A visual delineation of the location of the Muncy's residence compared to the City Limits of Man, West Virginia are

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

## Report of Investigation

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Uncle Sam's Loans

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775020-15-0120

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### SUMMARY OF EVENTS:

Distance estimate from 914 Hensley Heights Road Man, West Virginia to the nearest Municipal boundary of the City of Man, West Virginia

### NARRATIVE:

1. On Thursday, October 8, 2015 at approximately 1145 hours, Special Agent (S/A) G. Robert Cunningham initiated an approximate distance estimate from 914 Hensley Heights Road, Man, West Virginia (Muncy residence) to the closest City Limit boundary for the Municipality of Man, West Virginia.
2. S/A Cunningham initiated this measurement by resetting the trip odometer on his assigned Government Owned Vehicle (GOV) to zero while being situated directly in front of 914 Hensley Heights Road Man, West Virginia. Once this task was complete, S/A Cunningham traveled north on Hensley Heights Road, to the intersection at Greenville Road. At this intersection, S/A Cunningham turned west (left) onto Greenville Road and then north (right) onto East McDonald Road. At the intersection of East McDonald Road and Rockhouse Creek Road, S/A Cunningham turned east (right) onto Rockhouse Creek Road and traveled east to the intersection of Rockhouse Creek Road and West Virginia Route 80 (Mingo Highway), which is the approximate location of the nearest boundary of City of Man, West Virginia to the residence of Roger MUNCY of 914 Hensley Heights Road (Muncy residence) Man, West Virginia. Upon reaching this intersection, S/A Cunningham stopped his assigned GOV and observed that the trip odometer indicated that S/A Cunningham had traveled 0.4 miles from 914 Hensley Heights Road Man, West Virginia.

Prepared by: Guy R. Cunningham	Title: Special Agent, Charleston Field Office	Signature:	Date:
Authorized by: Lissa G. Jordan	Title: Resident Agent in Charge, Charleston Field Office	Signature:	Date:
Second level reviewer (optional): Peter A. Pappas	Title: Acting Special Agent in Charge, Louisville Field Division	Signature:	Date:

Mr. Stephen Adkins  
Uncle Sams Loans, Inc.

2

into the A&D Record. Also, you are acquiring a new computer program to assist you with the A&D record.

Regarding violation #4, involving the failure to distribute the Youth Handgun Safety Act Notices, you stated notices are currently available and, you are distributing the notices to non-licensee purchasers of handguns.

Regarding violation #5, involving change in control for Mr. Steven Adkins, you stated a photo id, fingerprint card, and written notification were forwarded to ATF licensing.

The violations for which you were cited could adversely impact law enforcement's ability to reduce violent crime and protect the public. You are reminded that future violations, repeat or otherwise, could be viewed as willful and may result in the revocation of your license. You may anticipate further inspections to ensure your compliance.

Please contact us at 304-340-7820 if you have any questions concerning your responsibilities as a licensee or if you require further clarification about particular requirements of Federal firearms laws.

Sincerely,



Daniel L. Moorman  
Area Supervisor  
Charleston, WV IO Field Office

Enclosure

cc: Federal Firearms Licensing Center  
Louisville Field Division  
Licensee File





**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
300 Summers Street, Suite 1400  
Charleston, West Virginia 25301

www.atf.gov  
**September 26, 2014**

**775060:DLM  
5300**

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Dorothy Muncy, President  
Uncle Sams Loans, Inc.  
200 Main Street  
Man, WV 25635

Dear Mrs. Muncy:

During a recent compliance inspection at your Federal Firearms business Uncle Sams Loans, Incorporated, covering the period of 04/24/2013 to 04/24/2014, you were cited for violations of 27 Code of Federal Regulations, Part 478. The violations were discussed with you during the inspection. A copy of the Report of Violations, Form 5030.5, issued at the time of the inspection, is enclosed.

You should be aware that any willful violations of Federal Firearms laws and regulations may result in revocation of your Federal Firearms license. As a result of the recently cited violations, it is important that we have a meeting with you to discuss the violations found. The conference will be held on October 8, 2014 at 10:00 a.m. at 300 Summers Street, Suite 1400, Charleston, WV. The agenda for the meeting will include a discussion of the reasons for the violations, a review of the legal requirements, and a discussion of steps to be taken by you to ensure future compliance. Although we do not believe it necessary, legal counsel may assist you at your own expense if you so choose. Please bring with you documentation verifying the corrective action you have taken.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and ensure the public's safety. It is essential that you comply with all firearms laws and regulations that govern your firearms business.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature X <i>Steven Adkins</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  Mrs. Dorothy Muncy Uncle Sams Loans, Inc. 200 Main Street Man, WV 25635		B. Received by (Printed Name) C. Date of Delivery 9/27/14	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7008 1830 0003 3806 1583	
PS Form 3811, February 2004		Domestic Return Receipt	

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**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
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**OFFICIAL USE**

Postage	\$ .48	Postmark Here
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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 3.94	

Sent To: Dorothy Muncy - Uncle Sams Loans  
Street, Apt. No. or PO Box No. 200 Main Street  
City, State, ZIP+4 Man WV 25635

PS Form 3800, August 2005

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

## Report of Violations

### Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor UNCLE SAMS LOANS INC	Street Address 200 MAIN STREET	City MAN	State WV	Zip Code 25635-	County LOGAN	Page 1 of 4 Pages
License/Permit/Registry Number (If any) 455045025E08677	Expiration Date 5/15/2015	Date(s) or Period of Inspection 04/24/2014 through 05/10/2014				

### Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 1

#### Nature of Violation:

Failure to properly execute ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers. In one (1) instance, on consecutive days, the licensee sold a handgun to the same individual. However, the licensee failed to report the multiple sale, on ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, involving two (2) firearms. Furthermore, the licensee failed to complete and submit ATF Form 3310.4, on two (2) other instance involving six (6) firearms.

"REPEAT VIOLATION FROM 4/30/2007"

Citation: 27 CFR 478.126a

#### Date Corrections to be Made:

(If not corrected immediately)

#### Corrective Action to be Taken:

(If not corrected immediately)

On 04/24/2014 - 05/05/2014, the licensee filed three (3) belated ATF Form 3310.4, Report of Multiple Sales or Other Disposition of Pistols and Revolvers, to report the multiple sale, to ATF and to the local CLEO.

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

## Report of Violations

### Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor <b>UNCLE SAMS LOANS INC</b>	Street Address <b>200 MAIN STREET</b>	City <b>MAN</b>	State <b>WV</b>	Zip Code <b>25635-</b>	County <b>LOGAN</b>	Page 3 of 4 Pages
License/Permit/Registry Number (If any) <b>455045025E08677</b>		Expiration Date <b>5/15/2015</b>	Date(s) or Period of Inspection <b>04/24/2014 through 05/10/2014</b>			

### Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 3

#### Nature of Violation:

Failure to properly maintain complete and accurate the record of firearms Acquisitions and Dispositions, (A&D) Records. A two (2) firearms discrepancy between the A&D Record and the physical inventory was found. The one (1) firearm was reported as missing inventory on ATF Form 3310.11, FFL Firearms Inventory Theft/Loss Report and, one (1) firearm was recorded as logged out when it was found in the physical inventory.

"REPEAT VIOLATION FROM 4/16/2008 & 4/30/2007"

Citation: 27 CFR 478.125(e)

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

The licensee was instructed to enter the Remington, S/N 489312, 22 cal, back into the Acquisition Side of the Bound Book. Furthermore, the licensee submitted ATF Form 3310.11 Firearms Theft/Loss Report for one (1) unaccounted for firearm.

Number: 4

#### Nature of Violation:

On an unknown number of occasions, the licensee failed to distribute the Youth Handgun Safety Act Notices to non-licensee purchasers of handguns.

"REPEAT VIOLATION FROM 4/30/2007"

Citation: 27 CFR 478.103(a)

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

The licensee was provided the Youth Handgun Safety Act Notices to distribute to non-licensee purchasers of handguns.

**Acknowledgement of Federal Firearms Regulations**

Page references are in ATF P 5300.4\*\* (Sept. 2005)

Licensee Name:	UI Number:
Uncle Sam's Loans, LLC	775060-2014-0076

TOPIC	18 U.S.C., 27 CFR & Other References	Page Number
<b>1. REQUIRED RECORDS &amp; REPORTS</b>		
<input checked="" type="checkbox"/> Acquisition and Disposition Record	478.125(e)	66
<input checked="" type="checkbox"/> Computerized Acquisition and Disposition Record	ATF Ruling 2008-2	
<input checked="" type="checkbox"/> Transaction Record/ATF F 4473**	478.124	63-65
<input checked="" type="checkbox"/> Identification Document	478.11	37
<input checked="" type="checkbox"/> Report of Multiple Handgun Sales/ATF F 3310.4**	478.126a	68
<input checked="" type="checkbox"/> Report of Multiple Rifle Sales/ATF F 3310.12** (CA, AZ, NM, and TX FFLs ONLY)	923(g)(5)(A) & Demand Letter 3	18
<input checked="" type="checkbox"/> Reporting Thefts or Losses/ATF F 3310.11**	478.39a	44
<input checked="" type="checkbox"/> Retention of Records	478.129	68-69
<b>2. CONDUCT OF BUSINESS</b>		
<input checked="" type="checkbox"/> Firearm Frame or Receiver	478.11	36
<input checked="" type="checkbox"/> NICS Requirements	478.102 & 478.131	54-55 & 69
<input checked="" type="checkbox"/> Secure Gun Storage or Safety Device	921(a), 922(z), & 923(d)(1)(G)	4 & 15-16
<input checked="" type="checkbox"/> Child Safety Lock Act	18 U.S.C. 922(z)	15-16
<input checked="" type="checkbox"/> Sales or Deliveries between Licensees	478.94 & 478.95	52
<input checked="" type="checkbox"/> FFL EZ Check	<a href="http://www.atfonline.gov/fflezcheck">www.atfonline.gov/fflezcheck</a>	
<input checked="" type="checkbox"/> Gun Show Guidelines**	478.100	54
<input checked="" type="checkbox"/> Out of State/Mail Order and Internet Sales	478.96	52
<input checked="" type="checkbox"/> Prohibited Sales and Deliveries	478.99	53-54
<input checked="" type="checkbox"/> Ammunition - Age Requirements for Handgun Ammunition	478.99(b)(1)	53
<input checked="" type="checkbox"/> Sales to Law Enforcement Officers	478.134	69-70
<input checked="" type="checkbox"/> Youth Handgun Safety Act- Sales of Handguns / Poster and Notices**	478.103	55-56
<input checked="" type="checkbox"/> Obliterated Serial Number	478.34	43
<input checked="" type="checkbox"/> Short Barreled Rifle & Shotgun	478.11	39
<b>3. LICENSES</b>		
<input checked="" type="checkbox"/> Engaged in the Business	478.11	36
<input checked="" type="checkbox"/> Correction of Error	478.48	48
<input checked="" type="checkbox"/> Posting of License	478.91	50
<input checked="" type="checkbox"/> Renewal/Duration	478.45 & 478.49	47 & 48
<input checked="" type="checkbox"/> Premises Covered	478.50	48
<input checked="" type="checkbox"/> Reporting Changes of Address / ATF F 5300.38**	478.52	48
<input checked="" type="checkbox"/> Reporting Changes in Trade Name	478.53	48
<input checked="" type="checkbox"/> Reporting Changes of Control	478.54	48
<input checked="" type="checkbox"/> Discontinuance of Business	478.57 & 478.127	49 & 68
<b>4. MISCELLANEOUS PROVISIONS</b>		
<input checked="" type="checkbox"/> Right of Entry and Examination	478.23	40
<input checked="" type="checkbox"/> Tracing Request from ATF	478.25a	41
<input checked="" type="checkbox"/> "Straw" Purchase	478.128 & General Info. # 15	68 & 165
<input checked="" type="checkbox"/> Curios or Relics / ATF P 5300.11**	478.11	35
<input checked="" type="checkbox"/> Antique Firearm	478.11	35-36
<input checked="" type="checkbox"/> Compliance with State Law Publication / ATF P 5300.5**	478.24	40-41
<input checked="" type="checkbox"/> Consignment of Firearms	478.124(a), Q&A Section F15,	63 & 182-183
<input checked="" type="checkbox"/> Personal Firearms / ATF P 3312.8**	478.125a	67
<input checked="" type="checkbox"/> Firearm Transportation	478.38	44
<b>5. STATE LAWS AND LOCAL ORDINANCES</b>		
<input checked="" type="checkbox"/> Review of basic requirements including additional licenses, waiting periods, concealed carry permits, and firearms permits.		
<b>6. GUNSMITH ACTIVITIES</b>		
<input type="checkbox"/> Gunsmithing Definition	N/A <input checked="" type="checkbox"/> 478.11 - Engaged in the business (d)	36
<input type="checkbox"/> Gunsmith Recordkeeping	478.124(a) & .125(e), ATF Ruling 77-1	63,66 & 125-126
<input type="checkbox"/> Return of Repaired Firearm	478.124(a), Q&A Section I	63 & 184
<input type="checkbox"/> Firearms & Ammunition Excise Tax - Contact Tax & Trade Bureau	<a href="http://www.ttb.gov/firearms">www.ttb.gov/firearms</a>	877-882-3277



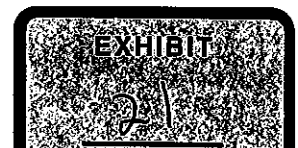
**Acknowledgement of Federal Firearms Regulations**

Page references are in ATF P 5300.4 (Sept. 2005)

<b>Licensee Name:</b>	<b>UI Number:</b>
Uncle Sam's Loans, Inc.	775060-2009-0041

<b>Topic</b>	<b>27 CFR</b>	<b>Page Number</b>
<b>1. DEFINITIONS</b>		
<input checked="" type="checkbox"/> Ammunition	478.11	36
<input checked="" type="checkbox"/> Antique Firearms	478.11	36
<input checked="" type="checkbox"/> Curios and Relics	478.11	36
<input checked="" type="checkbox"/> Engaged in the Business	478.11	37
<input checked="" type="checkbox"/> Firearm Frame or Receiver	478.11	37
<input checked="" type="checkbox"/> Identification Document	478.11	38
<input checked="" type="checkbox"/> Short Barreled Rifles & Shotguns	478.11	40
<b>2. MISCELLANEOUS PROVISIONS</b>		
<input checked="" type="checkbox"/> Right of Entry and Examination	478.23	41
<input checked="" type="checkbox"/> "Straw" Purchase	478.128 & General Infor. # 15	69 & 166
<input checked="" type="checkbox"/> Tracing Request from ATF	478.25a	42
<input checked="" type="checkbox"/> Compliance with State Law Publication/ATF P 5300.5	478.24	41
<input checked="" type="checkbox"/> Firearm Transportation	478.38	45
<input checked="" type="checkbox"/> Reporting Thefts or Losses/ATF F 3310.11 **	478.39a	45
<b>3. LICENSES</b>		
<input checked="" type="checkbox"/> Correction of Error	478.48	49
<input checked="" type="checkbox"/> Renewal/Duration	478.45 & 478.49	48 & 49
<input checked="" type="checkbox"/> Premises Covered	478.50	49
<input checked="" type="checkbox"/> Reporting Changes of Address/ATF F 5300.38	478.52	49
<input checked="" type="checkbox"/> Reporting Changes in Trade Name	478.53	49
<input checked="" type="checkbox"/> Reporting Changes of Control	478.54	49
<input checked="" type="checkbox"/> Discontinuance of Business	478.57 & 478.127	50 & 69
<b>4. CONDUCT OF BUSINESS</b>		
<input checked="" type="checkbox"/> Posting of License	478.91	51
<input checked="" type="checkbox"/> Sales or Deliveries Between Licensees	478.94 & 478.95	53
<input checked="" type="checkbox"/> Gun Show Guidelines **	478.100	55
<input checked="" type="checkbox"/> Out of State and Mail Order Sales	478.96	53
<input checked="" type="checkbox"/> Prohibited Sales and Deliveries	478.99	54-55
<input checked="" type="checkbox"/> NICS Requirements	478.102 & 478.131	55-56 & 70
<input checked="" type="checkbox"/> Obliterated Serial Number	478.34	44
<input checked="" type="checkbox"/> Youth Handgun Safety Act (YHSA)-Sales of Handguns	18 U.S.C. 922(x)	15-16
<input checked="" type="checkbox"/> Youth Handgun Safety Act Poster and Notices	18 U.S.C. 922(x) & 478.103	15-16 & 56-57
<input checked="" type="checkbox"/> Secure Gun Storage or Safety Device	921(a)(34), 922(z) & 923(d)(1)(G)	8 & 16-18
<input checked="" type="checkbox"/> Non-resident Aliens	478.29a & ATF Rul. 2004-1	43 & 144-145
<input checked="" type="checkbox"/> Sales to Law Enforcement Officers	478.134	70-71
<b>5. REQUIRED RECORDS</b>		
<input checked="" type="checkbox"/> Retention of Records	478.129	69-70
<input checked="" type="checkbox"/> Transaction Record/ATF F 4473 **	478.124	64-66
<input checked="" type="checkbox"/> Acquisition and Disposition Record	478.125(e)	67
<input checked="" type="checkbox"/> Report of Multiple Handgun Sales/ATF F 3310.4 **	478.126a	69
<input checked="" type="checkbox"/> Personal Firearms	478.125a	68
<input checked="" type="checkbox"/> Consignment of Firearms (Also, see Q&A section F15)	478.124(a)	64 & 183
<b>6. STATE LAWS AND LOCAL ORDINANCES</b>		
<input checked="" type="checkbox"/> Review of basic concepts including licenses, waiting periods, concealed carry permits.		

\*\* Provide copy of form and explain requirements to complete.





U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

600 Dr. Martin Luther King Jr. Place, Suite 322  
Louisville, Kentucky 40202

July 10, 2008

[www.atf.gov](http://www.atf.gov)

775000:DDJ  
5300

**CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED**

Ms. Dorothy L. Muncy, President  
Uncle Sam's Loans, Inc.  
200 Main St.  
Man, WV 25635

FFL # 4-55-045-02-9E-08677

Dear Ms. Muncy:

During a recent compliance inspection at your firearms business covering the period of April 16, 2007 through April 16, 2008, you were cited for violations of Title 27, Code of Federal Regulations, Part 478. The violations were discussed with you during the inspection. A copy of the Report of Violations, Form 5030.5, issued at the time of the inspection is enclosed.

You should be aware that willful violations of the Gun Control Act may result in revocation of your Federal firearms license. As a result of the recently cited violations, please arrange to attend a meeting to discuss the violations found. The meeting will be held at 10:00 a.m. on Tuesday, July 29, 2008, at the ATF office located at 300 Summers St., Suite 1400, Charleston, WV 25301. The agenda for the meeting will include a discussion of the reasons for the violations, a review of the legal requirements that accompany your license, and a discussion of steps that you have initiated or will initiate to ensure future compliance. Although we do not believe it necessary, legal counsel may assist you at your own expense if you so choose. Please bring with you documentation that demonstrates the corrective actions taken to date and the steps that you have taken to ensure future compliance.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business to aid in this effort to combat violent crime.



U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

*Revised Copy* 5/29/2008  
**Report of Violations**

**Instructions**

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor Uncle Sams Loans, Inc.	Street Address 200 Main Street	City Man	State WV	Zip Code 25635-	County Logan	Page 1 of 4 Pages
License/Permit/Registry Number (if any) 455045029E08677		Expiration Date 5/1/2009	Date(s) or Period of Inspection 04/16/2008 through 05/06/2008			

**Inspection Results**

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 1

**Nature of Violation:**

Transfer of a firearm when the licensee had reasonable cause to believe the transferee/buyer was prohibited. On one occasion the licensee transferred a firearm to an individual who answered "Yes" to a prohibiting question. On one ATF Form 4473 item 11g, Have you been discharged from the Armed Forces under dishonorable conditions?, was answered with a "Yes". The licensee completed the ATF Form 4473, recorded a "Proceed" response from NICS and transferred the firearm to the purchaser.

Citation: 27 CFR 478.99(c)

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

If a transferee/buyer answers "NO" he or she is not the actual buyer (item 11a) or "YES" to a prohibiting question (items 11b through 11i) the transfer can not take place. Further if the seller has some knowledge that the transferee is prohibited or receives a "Denied" response from NICS the transfer can not take place. Review section A especially the answers in item 11 before continuing with a transfer.

Number: 2

**Nature of Violation:**

The licensee failed to execute three ATF Forms 4473, Firearms Transaction Record Part 1-Over-the-Counter. On three occasions the licensee transferred a firearm to a non-licensee without completing an ATF Form 4473. The licensee transferred all three firearms to a gunsmith for repairs. The licensee retrieved the firearms from the gunsmith during the inspection. The gunsmith does not have an FFL.

Citation: 27 CFR 478.124(a)

Date Corrections to be Made:  
(If not corrected immediately)

Corrective Action to be Taken:  
(If not corrected immediately)

Ensure to execute an ATF Form 4473 and conduct a NICS check prior to transferring a firearm to any non-licensee.

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

## Report of Violations

### Instructions

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor Uncle Sam's Loans, Inc.	Street Address 200 Main Street	City Man	State WV	Zip Code 25635-	County Logan	Page 3 of 4 Pages
License/Permit/Registry Number (if any) 455045029E08677		Expiration Date 5/1/2009		Date(s) or Period of Inspection 04/16/2008 through 05/06/2008		

### Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 4

#### Nature of Violation:

Failure to maintain complete and accurate Acquisition and Disposition Records (Bound Book). The licensee failed to timely record the acquisition of 13 firearms. The firearms were in physical inventory but they were not listed as acquisitions in the Bound Book. Four of these firearms were brought in for repair and never logged in. Six of the firearms were in a "junk" box and not logged in. The acquisition of one firearm had been recorded in the pawn register but not in the bound book. The licensee did not have an explanation for the other two firearms.

The licensee failed to timely record the disposition of nine firearms. The acquisition information for the firearms was recorded in the bound book but the firearms could not be found in physical inventory. Three of these firearms were sent to a gunsmith for repair without being logged out to the gunsmith. The firearms were retrieved from the gunsmith during the inspection. Three firearms were transferred on ATF Forms 4473 without being logged out of the bound book. The ATF Forms 4473 were found documenting the disposition. No explanation was found for the other three firearms and they were reported as lost or stolen on an ATF Form 3310.1.1. The licensee also recorded incorrect disposition information for seven firearms. Two of the firearms had been logged out as missing during the last inspection by mistake. Three of the firearms were logged out automatically by the computer when the pawn was paid off but the firearms did not leave the store. One firearm was logged out by mistake when a different firearm was transferred. One firearm was sold to a customer, then the customer decided to leave the firearms at the store until another one was found. The firearms were found and

Date Corrections to be Made: 05/06/2008  
(if not corrected immediately)

Corrective Action to be Taken: Ensure to timely record the acquisition and disposition of all firearms.  
(if not corrected immediately)

# Acknowledgement of Federal Firearms Regulations

Page references are in ATF P 5300.4 (Sept. 2005)

Licensee Name:	UI Number:
Uncle Sam's Loans, Inc.	775025-2008-0234

Topic	27 CFR	Page Number
<b>1. DEFINITIONS</b>		
<input checked="" type="checkbox"/> Ammunition	478.11	36
<input checked="" type="checkbox"/> Antique Firearms	478.11	36
<input checked="" type="checkbox"/> Curios and Relics	478.11	36
<input checked="" type="checkbox"/> Engaged in the Business	478.11	37
<input checked="" type="checkbox"/> Firearm Frame or Receiver	478.11	37
<input checked="" type="checkbox"/> Identification Document	478.11	38
<input checked="" type="checkbox"/> Short Barreled Rifles & Shotguns	478.11	40
<b>2. MISCELLANEOUS PROVISIONS</b>		
<input checked="" type="checkbox"/> Right of Entry and Examination	478.23	41
<input checked="" type="checkbox"/> "Straw" Purchase	478.128 & General Infor. # 15	69 & 166
<input checked="" type="checkbox"/> Tracing Request from ATF	478.25a	42
<input checked="" type="checkbox"/> Compliance with State Law Publication/ATF P 5300.5	478.24	41
<input checked="" type="checkbox"/> Firearm Transportation	478.38	45
<input checked="" type="checkbox"/> Reporting Thefts or Losses/ATF F 3310.11 **	478.39a	45
<b>3. LICENSES</b>		
<input checked="" type="checkbox"/> Correction of Error	478.48	49
<input checked="" type="checkbox"/> Renewal/Duration	478.45 & 478.49	48 & 49
<input checked="" type="checkbox"/> Premises Covered	478.50	49
<input checked="" type="checkbox"/> Reporting Changes of Address/ATF F 5300.38	478.52	49
<input checked="" type="checkbox"/> Reporting Changes in Trade Name	478.53	49
<input checked="" type="checkbox"/> Reporting Changes of Control	478.54	49
<input checked="" type="checkbox"/> Discontinuance of Business	478.57 & 478.127	50 & 69
<b>4. CONDUCT OF BUSINESS</b>		
<input checked="" type="checkbox"/> Posting of License	478.91	51
<input checked="" type="checkbox"/> Sales or Deliveries Between Licensees	478.94 & 478.95	53
<input checked="" type="checkbox"/> Gun Show Guidelines **	478.100	55
<input checked="" type="checkbox"/> Out of State and Mail Order Sales	478.96	53
<input checked="" type="checkbox"/> Prohibited Sales and Deliveries	478.99	54-55
<input checked="" type="checkbox"/> NICS Requirements	478.102 & 478.131	55-56 & 70
<input checked="" type="checkbox"/> Obliterated Serial Number	478.34	44
<input checked="" type="checkbox"/> Youth Handgun Safety Act (YHSA)-Sales of Handguns	18 U.S.C. 922(x)	15-16
<input checked="" type="checkbox"/> Youth Handgun Safety Act Poster and Notices	18 U.S.C. 922(x) & 478.103	15-16 & 56-57
<input checked="" type="checkbox"/> Secure Gun Storage or Safety Device	921(a)(34), 922(z) & 923(d)(1)(G)	8 & 16-18
<input checked="" type="checkbox"/> Non-resident Aliens	478.29a & ATF Rul. 2004-1	43 & 144-145
<input checked="" type="checkbox"/> Sales to Law Enforcement Officers	478.134	70-71
<b>5. REQUIRED RECORDS</b>		
<input checked="" type="checkbox"/> Retention of Records	478.129	69-70
<input checked="" type="checkbox"/> Transaction Record/ATF F 4473 **	478.124	64-66
<input checked="" type="checkbox"/> Acquisition and Disposition Record	478.125(e)	67
<input checked="" type="checkbox"/> Report of Multiple Handgun Sales/ATF F 3310.4 **	478.126a	69
<input checked="" type="checkbox"/> Personal Firearms	478.125a	68
<input checked="" type="checkbox"/> Consignment of Firearms (Also, see Q&A section F15)	478.124(a)	64 & 183
<b>6. STATE LAWS AND LOCAL ORDINANCES</b>		
<input checked="" type="checkbox"/> Review of basic concepts including licenses, waiting periods, concealed carry permits.		

\*\* Provide copy of form and explain requirements to complete.





**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
1040 Monarch Street, Suite 250  
Lexington, Kentucky 40513

September 26, 2007

[www.atf.gov](http://www.atf.gov)

775025:CKY:rod  
5300

**CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED**

Uncle Sam's Loans, Inc.  
200 Main St.  
Man, WV 25635

Dear licensee:

During a recent compliance inspection at your firearms business covering the period of April 30, 2006 through April 30, 2007, you were cited for violations of 27 Code of Federal Regulations, Part 478. The violations were discussed with you during the inspection. A copy of the Report of Violations, Form 5030.5, issued at the time of the inspection is enclosed.

You should be aware that willful violations of the Gun Control Act may result in revocation of your Federal firearms license. As a result of the recently cited violations, it is important that we have a meeting with you to discuss the violations found. The conference will be held on Monday, October 29, 2007 at 10:00 a.m. at the Charleston ATF Industry Operations Office at 300 Summers Street, Suite 1400, Charleston, West Virginia. The agenda for the meeting will include a discussion of the reasons for the violation, a review of the legal requirements, and a discussion of steps to be taken by you to ensure future compliance. Although we do not believe it necessary, legal counsel may assist you at your own expense if you so choose. Please bring with you documentation verifying the corrective action you have taken.

The records you are required to maintain and the business operations you conduct are important to law enforcement in our continuing efforts to reduce violent crime and protect the public. It is essential that you comply with all Federal laws and regulations that govern your firearms business to aid in this effort to combat violent crime.

We will conduct a follow-up inspection in the future. Any violations, either repeat or otherwise, could be viewed as willful and may result in the revocation of your license.





U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

1040 Monarch Street, Suite 250  
Lexington, Kentucky 40513

www.atf.gov  
October 30, 2007

775025:CKY  
5300

**CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED**

Uncle Sam's Loans, Inc.  
200 Main St.  
Man, WV 25635

Dear Licensee:

This letter is a follow-up to the warning conference held with you on October 29, 2007 at the Charleston ATF Industry Operations Office at 300 Summers St., Suite 1400, Charleston, West Virginia. During this conference, the violations cited during the inspection covering the period from 4/30/2006 through 4/30/2007 and the necessary corrective action to prevent the violations from reoccurring were discussed.

You were given the opportunity to comment on the violations and what specific action you have taken to ensure that the violations will not reoccur. Regarding violation numbers one, five, and six, in which ATF Forms 4473 errors and/or omissions were found, you stated that your current policy is to have the manager review all executed ATF Forms 4473. You further explained that the manager's review of the Forms would help eliminate errors and omissions made by the transferees and the sales clerks executing the Forms. The inspection uncovered that you failed to maintain a copy of your recordkeeping variance approval letter and failed to print out your acquisition and disposition record biannually (violation number two). During the conference you stated that you have since printed a hard copy of the entire acquisition and disposition record at least every three months. You have also maintained a copy of the ATF recordkeeping variance approval letter on the business premises. You were cited for failing to provide ATF Information 5300.2, Youth Handgun Safety Act Notice, to handgun transferees (violation number three). During the conference you stated that prior to the inspection you were not aware of this requirement. Since the inspection, you reported that you keep the ATF I 5300.2 pamphlets in supply and provide them with all handgun transfers. You were cited for failing to report one multiple handgun sale (violation number four). You stated that the manager's review of all ATF Forms 4473 and the creation of a manual acquisition and disposition record, used for back-up purposes, allow you to be more effective in tracking and reporting multiple handgun sales. You were cited for failing to properly maintain your A&D record. You advised that procedures have

Bureau of Alcohol, Tobacco, Firearms and Explosives

**Report of Violations****Instructions**

Please write firmly with a ball point pen when completing this form. ATF officers will prepare this form in triplicate. The original copy will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files.

Name of Proprietor Uncle Sams Loans, Inc.	Street Address 200 Main Street	City Man	State WV	Zip Code 25635-	County Logan	Page 1 of 3 Pages
License/Permit/Registry Number (If any) 745029E08677		Expiration Date 5/1/2009	Date(s) or Period of Inspection 04/30/2007 through 05/25/2007			

**Inspection Results**

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

**Number: 1****Nature of Violation:**

On two ATF Forms 4473 item 11a was left blank

**Citation: 27 CFR 478.21(a)****Date Corrections to be Made:** 05/09/2007*(If not corrected immediately)*

**Corrective Action to be Taken:** Verify that all items on ATF Form 4473 are completed prior to transfer of firearm

**Number: 2****Nature of Violation:**

Failure to comply with an alternate method or procedure. The licensee began using an alternate format for the acquisition and disposition record prior to obtaining approval by ATF. ATF approved for the licensee to keep the acquisition and disposition record (A&D record) by computer in September 1996. It was found that licensee started keeping the A&D record via computer in lieu of a hard bound book in 1993.

Conditions of the approved recordkeeping variance were not maintained. A printout of the variance was not on file. A printout of all A&D records was never prepared. The licensee was initially unable to print the A&D records for the inspection.

**Citation: 27 CFR 478.22(a)(3)****Date Corrections to be Made:** 04/30/2007*(If not corrected immediately)*

**Corrective Action to be Taken:** Print all A&D records every six months. Maintain copy of letter approving the variance on the premises.

For Official Use Only

ATF E-Form 5030.5  
Revised April 2005

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

## Report of Violations

## Instructions

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Name of Proprietor Uncle Sams Loans, Inc.	Street Address 200 Main Street	City Man	State WV	Zip Code 25635-	County Logan	Page 3 of 3 Pages
License/Permit/Registry Number (If any) A***745029E08677		Expiration Date 5/1/2009		Date(s) or Period of Inspection 04/30/2007 through 05/25/2007		

## Inspection Results

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Number: 6

## Nature of Violation:

Omissions and/or improper documentation was found on ATF Forms 4473. On two Forms items 11b through 11e were omitted. On sixteen Forms item 2, residence address, was improperly documented. On those Forms a post office box was documented instead of a physical address.

Citation: 27 CFR 478.124(c)(1)

Date Corrections to be Made: 05/09/2007

(If not corrected immediately)

Corrective Action to be Taken: Verify items on 4473 are properly executed prior to transfer of firearm. Obtain physical address in item 2 prior to transfer of firearm.

Number: 7

## Nature of Violation:

Failure to properly maintain A&D record. Discrepancy between the number of firearms on hand and the number of firearms on hand according to the A&D record. On the premises, 1,082 arms were on hand. According to the A&D record, 1661 firearms were on hand.

At least least 30 instances, incorrect disposition date was recorded. The date 01/01/00 was found to be documented incorrectly for numerous dispositions.

Citation: 27 CFR 478.125(c)

Date Corrections to be Made: 05/25/2007

(If not corrected immediately)

Corrective Action to be Taken: Reconcile physical inventory and the inventory according to the A&D record. Search the ATF Forms 4473 to find firearms that have been sold but were not documented as dispositions in the A&D record. Any firearms not found, report on ATF Form 3310.11 as lost or stolen.

For disposition dates incorrectly recorded, find correct dates using ATF Forms 4473.

I Have Received a Copy of This Report of Violations (Proprietor's signature and title)		Date
<i>Donna L. Muncy - Sec. Manager</i>		6-31-07
Signature and Title of ATF Officer		Date
<i>Ryan Davis Investigator</i>		5-31-07

For Official Use Only

ATF E-Form 5030.5  
Revised April 2005

# **Acknowledgement of Federal Firearms Regulations**

Page references are in ATF P 5300.4 (Sept. 2005)

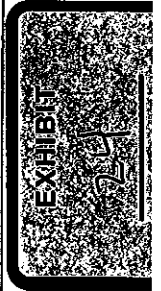
<b>Licensee Name:</b>	<b>UI Number:</b>
0 UNCLE SAM'S LOANS, INC	0 775005-2006-0579

<u>Topic</u>	<u>27 CFR</u>	<u>Page Number</u>
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<input checked="" type="checkbox"/> Obliterated Serial Number	478.34	44
<input checked="" type="checkbox"/> Youth Handgun Safety Act (YHSA)-Sales of Handguns	18 U.S.C. 922(x)	15-16
<input checked="" type="checkbox"/> Youth Handgun Safety Act Poster and Notices	18 U.S.C. 922(x) & 478.103	15-16 & 56-57
<input checked="" type="checkbox"/> Secure Gun Storage or Safety Device	921(a)(34), 922(z) & 923(d)(1)(G)	8 & 16-18
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<input checked="" type="checkbox"/> Consignment of Firearms (Also, see Q&A section F15)	478.124(a)	64 & 183
<b>6. STATE LAWS AND LOCAL ORDINANCES</b>		
<input checked="" type="checkbox"/> Review of basic concepts including licenses, waiting periods, concealed carry permits.		

\*\* Provide copy of form and explain requirements to complete.



DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL TOBACCO AND FIREARMS REPORT OF VIOLATIONS			LICENSE/PERMIT REGISTRY NUMBER (if any)	EXPIRATION DATE (if any)	PAGE <u>1</u> OF <u>1</u> PAGES
NAME AND ADDRESS OF PROPRIETOR			COUNTY (If & S only)	DATE(S) OR PERIOD OF INSPECTION	
INSTRUCTIONS					
ATF officers will prepare this form in quadruplicate. The original copy and the suspense copy (where required) will be given to the proprietor or a responsible representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files. Where a corrective action cannot be taken during the inspection, proprietors will submit the suspense copy to the Area Supervisor as soon as the required corrections have been made.					
INSPECTION RESULTS					
An examination of your premises, records and operations has disclosed the following violations which have been explained to you:					
NO.	USC OR CFR CITATION	NATURE OF VIOLATION	CORRECTIVE ACTION TO BE TAKEN ( If not corrected immediately )	DATE CORRECTIONS TO BE MADE ( If not corrected immediately )	
1	27 CFR 178.125(d)	Firearms disposition was not properly recorded in at least 7 instances. Therefore, bound book & physical inventory do not agree.		5/9/91	
			I HAVE RECEIVED A COPY OF THIS REPORT OF VIOLATIONS ( Proprietor's signature and title )		
SIGNATURE AND TITLE OF INSPECTING OFFICER			DATE		
Wendy D. Carter, Inspector			4/9/91		





**STEIN'S INC., d/b/a Harry Stein's Loan, Plaintiff-Appellant, v. W. MICHAEL  
BLUMENTHAL, Secretary of the Treasury, et al., Defendants-Appellees .**

No. 79-1766

**UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

649 F.2d 463; 1980 U.S. App. LEXIS 14229; 61 A.L.R. Fed. 496

**February 29, 1980, Argued  
September 10, 1980, Decided**

**PRIOR HISTORY:**    [\*\*1] Appeal from the United States District Court for the Eastern District of Wisconsin. No. 78-C-388 -- John W. Reynolds, Chief Judge.

**COUNSEL:** Michael J. Colgan, Milwaukee, Wis., for plaintiff-appellant.

Joseph P. Stadtmueller, Asst. U. S. Atty., Milwaukee, Wis., for defendants-appellees.

**JUDGES:** Before FAIRCHILD, Chief Judge, SWYGERT and SPRECHER, Circuit Judges.

**OPINION BY:** FAIRCHILD

**OPINION**

[\*463] This is an action brought under 18 U.S.C. § 923(f)(3) to review the decision of the Secretary of the Treasury denying an application for a license to deal in firearms. The plaintiff, Stein's Inc., d/b/a Harry Stein's Loan, appeals from the district court's judgment upholding the Secretary's decision. The plaintiff argues that the district court had an obligation pursuant to 18 U.S.C. § 923(f)(3) to try the case de novo and that its summary disposition of the case on the basis of the administrative record and without taking additional evidence was inconsistent with that obligation. Our review of the proceedings before the district court convinces us that the district court's disposition of the cause was consistent with the statutory provision authorizing judicial review and that the [\*\*2] district court's judgment is correct. Accordingly, we affirm.

[\*464] I.

The plaintiff, a Wisconsin corporation with its principal place of business in Milwaukee, is a pawnbroker

dealing in firearms. Pursuant to the provisions of the Gun Control Act of 1968, the plaintiff must obtain from the Secretary of the Treasury a license to deal in such instrumentalities. The plaintiff did possess a license prior to 1978 and applied for the license's renewal in late 1977. The Regional Regulatory Administrator of the Bureau of Alcohol, Tobacco and Firearms on February 7, 1978, denied the plaintiff's application because of the plaintiff's repeated violations of 18 U.S.C. § 922(m), 27 C.F.R. § 178.124(c) and 27 C.F.R. § 178.125(e). The Administrator found that this pattern of violations demonstrated "a careless and willful disregard" of the gun control law and regulations justifying nonrenewal under 18 U.S.C. § 923(d) (1).<sup>1</sup> The notice of the Administrator's action informed the plaintiff of its right to have that action reviewed pursuant to 18 U.S.C. § 923(f)(2).

1. 18 U.S.C. § 923(d)(1) provides that an application for a license shall be approved if

(A) the applicant is twenty-one years of age or over;

(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (h) of this chapter;

(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

(D) the applicant has not willfully failed to disclose any material information required, or has

649 F.2d 463, \*, 1980 U.S. App. LEXIS 14229, \*\*;  
61 A.L.R. Fed. 496

[\*\*6] The district court granted the government's motion for summary judgment. The district court held that it was unnecessary to decide the proper standard of review because

the uncontested evidence already in the administrative record . . . reveals that despite plaintiff's admitted knowledge of the recordkeeping requirements and the prohibition of delivery of firearms to certain individuals, it violated the law continually for about three years. . . . The failure to maintain proper records when a dealer is aware of his legal duty to do so has been held to be a willful violation of 18 U.S.C. § 923(c) (sic).

The district court held that the conclusory denials of any willful violations in the affidavit submitted by the plaintiff did not require a contrary conclusion.

## II.

The crux of the plaintiff's argument concerns the scope of and procedure for judicial review mandated by 18 U.S.C. § 923(f)(3). The government, however, has not chosen to address this issue. We believe that an orderly disposition of this appeal requires that we explore the nature of review authorized by statute before examining the particular facts of this case, and, consequently, we examine the issue here. [\*\*7]

Section 923(f)(3) provides in part that the district "court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court." As one court has noted, the section "is unclear and in some respects appears to contain contradictory language." *Weidner v. Kennedy*, 309 F. Supp. 1018, 1019 (C.D.Cal.1970). Some courts have held that the decision of the Secretary may be upheld if supported by substantial evidence in the administrative record. See *McLemore v. United States Treasury Department*, 317 F. Supp. 1077 (N.D.Fla.1970); cf. *Lewin v. Blumenthal*, 590 F.2d 268, 269 (8th Cir. 1979) (seemingly as to standard applied, but court noted that "substantial evidence" supported license [\*466] nonrenewal). Other courts, however, have noted that the section permits the court to "consider any evidence submitted by the parties." Finding this phrase ambiguous, they have looked to the provision's legislative history. That history evidences Congress' intention to "provide broad [\*\*8] judicial review" or "de novo review" of license nonre-

newals and revocations. H.R.Rep.No.1577, 90 Cong., 2d Sess., reprinted in (1968) U.S.Code Cong. & Admin.News, pp. 4410, 4411, 4423. Relying on that scant legislative history, those courts have concluded that the statute requires de novo review of the Secretary's decisions. See, e. g., *Prino v. Simon*, 606 F.2d 449, 451 (4th Cir. 1979); *Fin & Feather Sport Shop, Inc. v. United States Treasury Department*, 481 F. Supp. 800 (D.Neb.1979); *Service Arms Co. v. United States*, 76 F.R.D. 109 (W.D.Okla.1977); *Shyda v. Director*, 448 F. Supp. 409 (M.D.Pa.1977); *Rich v. United States*, 383 F. Supp. 797 (S.D.Ohio 1974); *Weidner v. Kennedy*, 309 F. Supp. 1018 (C.D.Cal.1970).

We agree with the latter decisions that the statute requires de novo review. We do not, however, view those decisions as necessarily irreconcilable with those upholding the Secretary's decision if based on substantial evidence. This is because of our view of the nature of the review authorized by 18 U.S.C. § 923(f)(3). Although the legislative history of § 923(f)(3) speaks of "de novo review," we do not understand that history to require the district court to hold a hearing and [\*\*9] receive evidence beyond that contained in the administrative record in every case. The language of the statute itself is permissive: "the court may consider any evidence submitted by the parties." (Emphasis added.) Instead we believe that Congress intended to afford the district court the discretion to receive additional evidence to be considered along with that in the administrative record when some good reason to do so either appears in the administrative record or is presented by the party petitioning for judicial review.<sup>4</sup> In other words, there is a difference between the "de novo review" required by 18 U.S.C. § 923(f)(3) and a "trial de novo." Cf. *United States v. Raddatz*, 447 U.S. 667, 100 S. Ct. 2406, 65 L. Ed. 2d 424 (1980) (the "de novo determination" required by the Federal Magistrates Act does not always require a de novo hearing). We hold that while the statute requires the former, it does not in every case require the latter.<sup>5</sup> Considerations of judicial economy suggest that trial anew of factual matters already litigated should be avoided unless substantial doubt infects the agency's findings of fact. See *Guilday v. United States Department of Justice*, 385 F. Supp. [\*\*10] 1096, 1098-99 (D.Del.1974) ("In the absence of clear guidelines from Congress, it is appropriate for the courts to consider the interests of judicial economy and fairness before requiring an automatic trial de novo. To the extent that a trial de novo would require pretrial discovery and trial proof of factual background already developed in administrative proceedings, it would be unjustifiably duplicative").

4. To aid the district court in determining which factual matters might warrant the taking of additional evidence, the party petitioning for re-

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prohibited, irrespective of evil motive or reliance on erroneous advice, or 2) acts with careless disregard of statutory requirements, the violation is willful") ~~Of course, where, as here, [\*468], the licensee is a corporation, it is chargeable with the conduct and knowledge of its employees. Fin & Feather Sport Shop, Inc. v. United States Treasury Department, 481 F. Supp. 800, 807 (D.Neb.1979) (and cases cited therein).~~

The next question is whether the district court applied the proper scope of review. Our examination of the district court's memorandum order convinces us that the trial court in essence reviewed the Secretary's decision de novo and adopted as its own the Secretary's finding [\*\*15] that the plaintiff's violations were willful. The district court recognized that courts have disagreed about the appropriate scope of review and held that under any standard the decision of the Secretary was justified. We take this, along with the district court's assessment of the evidence in the administrative record, as indicating that the court exercised its own independent judgment as to the facts and concluded that the Secretary correctly found the relevant facts.<sup>7</sup>

7. It is true that procedurally this case was decided on a motion for summary judgment where technically fact finding is inappropriate and all reasonable inferences must be drawn in favor of the party opposing the motion. Nevertheless, because the procedure for review pursuant to 18 U.S.C. § 923(f) (3) permits the district court to enter judgment on the basis of the administrative record when no substantial reason to receive additional evidence is present, the practice of the courts has been to grant judgment summarily when the "material facts developed at the administrative hearing, which the court also concludes justify nonrenewal" are not substantially drawn into question by the party petitioning for review. *Mayesh v. Schultz*, 58 F.R.D. 537, 539 (S.D.Ill.1973). See, e. g., *Fin & Feather Sport Shop, Inc. v. United States Treasury Department*, 481 F. Supp. 800 (D.Neb.1979); *Shyda v. Director*, 448 F. Supp. 409 (M.D.Pa.1977). We find no substantial error with this procedure as long as the district court provides a statement of reasons sufficient to inform the parties and the appellate court of the basis of the court's decision.

[\*\*16] The district court's finding is amply supported by the record and we cannot say that it is clearly erroneous. The record shows that the plaintiff's agents were instructed on the requirements of the law and acknowledged an understanding of the Secretary's regulations. \* Nevertheless, and despite repeated warnings from the Secretary, violations continued to occur. Evi-

dence of repeated violations with knowledge of the law's requirements has been held sufficient to establish willfulness. See, e. g., *Lewin v. Blumenthal*, 590 F.2d 268 (8th Cir. 1979). Although the plaintiff has attempted to dismiss those violations as "unintentional, unavoidable and de minimis," see *Modica v. United States*, 518 F.2d 374, 375 (5th Cir. 1975), we do not regard the evidence to that effect as so compelling as to warrant our disturbing the finding of the district court.

8. One document in the administrative record, for example, is signed by Kenneth Stein and acknowledges that the recordkeeping requirements were explained to him and that

to the best of my knowledge and belief, I understand the laws and regulations, and will operate my firearms business in accordance therewith. If I receive a license, I understand that I am responsible for the acts or omissions of any employee or agent acting for me in the conduct of the firearms business.

[\*\*17] What has already been said largely disposes of the final question before us: Whether the district court abused its discretion in declining to receive additional evidence bearing on the issue of willfulness. The evidence in the administrative record showed a persistent pattern of violations even after warnings from the Secretary. The inference that the violations were willful is compelling, notwithstanding the plaintiff's protestations to the contrary before the hearing officer. Certainly the trial judge was free to draw the same inference that the Secretary did on the basis of the evidence in the administrative record. Moreover, the plaintiff did not offer to produce any additional evidence before the district court which had not already been considered by the Secretary. Although the plaintiff did submit an affidavit in which its president denied in general and conclusory terms that any of the violations were willful, we are not persuaded that such an affidavit established a good reason for the district court to exercise its discretion to receive additional evidence. The trial court did not abuse its discretion here.

[\*469] IV.

Our decision here does not deprive [\*\*18] those denied dealer's licenses of the opportunity to have the Secretary's decisions reviewed in the courts. The district court here did review the Secretary's decision and found it authorized in law and supported by the facts. Had the plaintiff shown some good reason to do so, we are confident that the district court would have liberally exercised its discretion to permit the introduction of additional evidence. Absent such a showing by the plaintiff, however, we cannot say that the district court erred in



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ing Dunn's inspection, to the disruption caused by the business's move. He denied that the violations were willful. Stein explained that when he noticed omissions or errors on forms completed by other employees, even if he knew the omitted or correct information, he would not alter the forms because he did not believe it correct to do so. He also indicated that steps had been taken to ensure compliance in the future. These included relieving Kenneth Stein's [\*\*23] seventy-eight year old father and a seventy-two year old employee of any involvement with firearms transactions<sup>2</sup> and hiring a former Milwaukee police detective to manage Stein's firearms business.

2. Apparently, these two persons experienced the most difficulty with the required forms.

In sum, the testimony and other proof adduced at the hearing revealed that Stein's had committed numerous violations, some more serious than others. Initially, the Administrator presumed that the violations must have been willful, because so many occurred over a long period of time despite warnings and explanations regarding correct procedures. But Stein denied that the violations were willful and offered plausible explanations for them. The agents partially supported Stein's denial of willfulness. The hearing officer concluded that license renewal was warranted.<sup>3</sup> Nevertheless, Administrator Chupp, without having seen and heard the testimony, was unmoved. In a hastily scrawled note, he rejected the hearing officer's recommendation [\*\*24] for the reasons initially given. Apparently, in Chupp's mind, the presumption that the violations were willful had not been overcome.

3. One can only speculate whether this recommendation was based upon a finding that the violations were not willful. On this point the record is unclear. The majority's assertion that the hearing officer's recommendation was based upon his belief that nonrenewal "was too severe a penalty for the infractions found . . .," is, however, equally speculative.

Having exhausted its administrative remedies, Stein's invoked its right to judicial review under 18 U.S.C. § 923(f)(3). The Secretary's answer "affirmatively alleged that the decision of the Treasury . . . is supported by substantial evidence. . . ." The Secretary then moved for summary judgment, relying on the administrative record and his answer. In opposition, Stein's submitted the affidavit of Kenneth Stein, who generally denied that the violations were willful. The district court granted summary judgment in favor of [\*\*25] the Secretary.

In its memorandum, the district court alluded to the split in authority regarding the appropriate standard of judicial review under section 923(f)(3), but purported to find it unnecessary to decide whether the [\*\*471] "sub-

stantial evidence" test or de novo review was appropriate. The majority is convinced that de novo review was undertaken. See majority opinion at 468. The district court apparently applied the "substantial evidence" test, however, as evidenced by the district court's conclusion that "substantial evidence exists in the record supporting the finding of a willful violation." The fact that this case was decided on summary judgment is additional evidence that the wrong test was applied, because in this circuit substantial evidence is a question of law, appropriately decided on summary judgment. *Milton v. Harris*, 616 F.2d 968, 975 (7th Cir. 1980) (per curiam). Moreover, the district court refused to accept additional evidence only because Stein's failed to overcome the substantial evidence supporting the Secretary's decision.<sup>4</sup> This violated the applicable law because in so doing the district court viewed the administrative decision as presumptively [\*\*26] correct.

4. Although Kenneth Stein's affidavit was conclusory, the administrative record was before the district court. Stein's was entitled to rely upon it, at least to the extent that the Secretary did so. Thus, the district court's refusal ultimately could not have been based upon the inadequacy of Stein's affidavit.

Neither the district court nor the Secretary heard testimony but characterized the evidence in the administrative record as "uncontroverted." As discussed above, however, Kenneth Stein offered plausible explanations for the violations which were supported partially by the agents. These explanations were disregarded. The only reasonable basis for so doing must have been a determination that Kenneth Stein was not a credible witness. Thus, the district court's conclusion that summary judgment was appropriate because credibility was not at issue was incorrect. Credibility is precisely what was and remains at issue. In this regard, the fact that the hearing officer, who was the person who heard [\*\*27] Kenneth Stein's testimony, recommended license renewal is most significant. At the very least, the district court was required to explain its "findings" in the light of all the evidence, including Stein's testimony.

In conclusion, if the appropriate standard of review were the "substantial evidence" test, the district court's disposition of this case would have been correct. Similarly, even on de novo review, the obligation to hear live witnesses might have been abrogated if Stein's had not come forth with plausible explanations for the violations. See, e. g., *Mayesh v. Schultz*, 58 F.R.D. 537 (S.D.Ill.1973). But, because Stein's did offer explanations, the rejection of which could only have been because of credibility determinations, the district court was obliged to make those determinations itself. Otherwise,